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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION  
UNITED STATES OF AMERICA .  
VERSUS . Criminal Action  
 . No. H-17-CR-419  
 .  
GAZELLE CRAIG, D.O., and . Houston, Texas  
SHANE FAITHFUL, . March 28, 2018  
 . 10:25 a.m.  
Defendants. .  
. . . . .  
TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DAVID HITTNER AND A JURY  
DAY 8 OF 9  
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1	INDEX OF WITNESSES	
2		Page
3	FOR THE DEFENDANT GAZELLE CRAIG, D.O.:	
4	<b>GAZELLE CRAIG, D.O.</b>	
5	CROSS-EXAMINATION (CONTINUED) BY MR. ARMSTRONG	5
6	REDIRECT EXAMINATION BY MR. LEWIS	12
7	RE CROSS-EXAMINATION BY MR. WILLIAMS	34
8	RE CROSS-EXAMINATION BY MR. ARMSTRONG	36
9	FURTHER REDIRECT EXAMINATION BY MR. LEWIS	38
10	FURTHER RE CROSS-EXAMINATION BY MR. ARMSTRONG	41
11		
12		
13	<b>EXAMINATION OF AGENT ANTHONY ARMOUR BY THE COURT</b>	60
14	<b>EXAMINATION OF AGENT ANTHONY ARMOUR BY MR. ARMSTRONG</b>	62
15	<b>EXAMINATION OF AGENT ANTHONY ARMOUR BY MR. WILLIAMS</b>	62
16	<b>EXAMINATION OF AGENT ANTHONY ARMOUR BY MR. LEWIS</b>	64
17		
18	<b>EXAMINATION OF A JUROR BY THE COURT</b>	67
19	<b>EXAMINATION OF A JUROR BY MR. WILLIAMS</b>	71
20	<b>EXAMINATION OF A JUROR BY THE COURT</b>	71
21		
22		
23	INDEX	
24		
25	CHARGE OF THE COURT	78
26	GOVERNMENT'S CLOSING ARGUMENT BY MR. HELFMEYER	99
27	DEFENDANT SHANE FAITHFUL'S CLOSING ARGUMENT	
28	BY MR. WILLIAMS	129
29	DEFENDANT GAZELLE CRAIG, D.O.'S CLOSING ARGUMENT	
30	BY MR. LEWIS	155
31	GOVERNMENT'S REBUTTAL ARGUMENT BY MR. ARMSTRONG	168
32		
33		
34		
35		

1 PROCEEDINGS

2 March 28, 2018

3 (Jury not present.)

4 THE COURT: I just want to remind the attorneys right  
5 on Ellen's desk --

6 If you'll hold that up.

7 -- is the little green box. I will do the same  
8 thing I did the last time. I will go through all of the names  
9 up here, make sure everybody's in there, and put them back in;  
10 but I always just invite everybody, if you want to look up and  
11 make sure 14 names are there, you're welcome to.

12 MR. ARMSTRONG: Thank you, Judge.

13 MR. WILLIAMS: Yeah. And I guess we'll do that prior  
14 to.

15 THE COURT: Pardon me?

16 MR. WILLIAMS: Yeah. We'll do that prior to. That's  
17 fine.

18 THE COURT: Okay. Whatever you want to do; but when I  
19 -- when summation begins, that's up here; and I go through them  
20 myself, okay, to make sure we have all 14?

21 All right. Call the jury in, please.

22 (The jury was brought into the courtroom at 10:26 a.m.)

23 THE COURT: All right, be seated, please.

24 Go right ahead, sir.

25 MR. ARMSTRONG: Thank you, your Honor.

1 (The witness, **GAZELLE CRAIG, D.O.**, Defendant, called on her  
2 own behalf, was previously sworn.)

3 CROSS-EXAMINATION

4 (continued)

5 BY MR. ARMSTRONG:

6 **Q** Good morning.

7 **A** Good morning.

8 **Q** We left off yesterday talking about the patient file of  
9 Charlotte Mason.

10 Do you recall those questions?

11 **A** Yes.

12 **Q** I want to shift gears and talk about Paul Fernandez.

13 You were here for his testimony, right?

14 **A** Yes.

15 **Q** And you saw him on the stand, right?

16 **A** Yes.

17 **Q** And you recognize this to be a picture of Paul Fernandez,  
18 right?

19 **A** Yes.

20 MR. ARMSTRONG: Your Honor, at this time, we would  
21 move to admit Government Exhibit 1002.

22 THE COURT: Any objection?

23 MR. WILLIAMS: No objection.

24 THE COURT: It's admitted.

25 MR. ARMSTRONG: Ms. Mortezaei, can we, please, pull up

- 1 Government's Exhibit 1002.
- 2 BY MR. ARMSTRONG:
- 3 **Q** Ma'am, that's a picture of Paul Fernandez, right?
- 4 **A** Correct.
- 5 **Q** And you heard his testimony that he has cirrhosis of the
- 6 liver, correct?
- 7 **A** Correct.
- 8 **Q** And that's a very serious medical condition, right?
- 9 **A** Correct.
- 10 **Q** And that is the type of condition that you would not
- 11 prescribe someone hydrocodone for if you knew that, right?
- 12 **A** Correct.
- 13 **Q** Now, you testified yesterday about how you would review
- 14 patient files for all new and pertinent information, correct?
- 15 **A** Correct.
- 16 **Q** What does that mean?
- 17 **A** I reviewed the files when patients came in for any new
- 18 information we may have received.
- 19 **Q** And what does that mean, "pertinent information"?
- 20 **A** Information that would be important to my care and
- 21 treatment of the patient.
- 22 **Q** And surely, it would be important to know if Mr. Fernandez
- 23 has cirrhosis of the liver or not, right?
- 24 **A** Correct.
- 25 MR. ARMSTRONG: Government Exhibit 345 at 88.

- 1 BY MR. ARMSTRONG:
- 2 Q Ma'am, you recognize this to be a progress note of
- 3 Mr. Fernandez, correct?
- 4 A Not my progress note but someone's progress note, yes.
- 5 Q Okay. You see his name in the top left corner of
- 6 Government Exhibit 245 at 88, right?
- 7 A Yes, I do.
- 8 Q And what is the date of this progress note?
- 9 A It says encounter date is 10-14-2014.
- 10 Q And that's in the top right corner of the progress note,
- 11 correct?
- 12 A Yes.
- 13 Q So, this is not your progress note, right?
- 14 A Correct.
- 15 Q But it does describe Mr. Fernandez and his medical
- 16 condition, right?
- 17 A Correct.
- 18 Q And this document was --
- 19 MR. ARMSTRONG: Ms. Mortezaavi, if we can flip it
- 20 around.
- 21 One more time, please.
- 22 BY MR. ARMSTRONG:
- 23 Q Now, what is the fax header date of this document?
- 24 A It says July 22, 2015.
- 25 Q So, it was faxed to Gulfton, right?

1 **A** I guess so.

2 **Q** Well, it ended up in your file, right?

3 **A** Yes.

4 MR. ARMSTRONG: Government Exhibit 364 at 64.

5 MR. WILLIAMS: 364, I'm sorry?

6 MR. ARMSTRONG: Yeah. My apologies. My mistake.

7 345 at 64, please.

8 MR. WILLIAMS: Thank you.

9 MR. ARMSTRONG: Court's indulgence, your Honor.

10 And your Honor, if we can, please, switch back to

11 the Elmo. My apologies.

12 THE COURT: My unit is dead again. It keeps getting

13 unplugged in the back.

14 BY MR. ARMSTRONG:

15 **Q** And ma'am, I'm looking at Paul Fernandez's file,

16 Government's Exhibit 345.

17 What does it say about whether Mr. Fernandez has

18 cirrhosis of the liver or not?

19 **A** I see that it says cirrhosis of the liver.

20 **Q** And that's for Mr. Fernandez?

21 **A** Correct.

22 **Q** So, you had information in your file saying that

23 Mr. Fernandez has cirrhosis of the liver but you still

24 prescribed him hydrocodone?

25 **A** I never saw that in the file.



1 **Q** This wouldn't be new and pertinent information about the  
2 patient?

3 **A** It would be pertinent, but I never saw it.

4 **Q** Now, ma'am, after that document was faxed to Gulfton -- I  
5 believe it was in July of 2015 -- how many prescriptions for  
6 hydrocodone did you write to Mr. Fernandez?

7 **A** I wouldn't remember that.

8 **Q** Let's take a look.

9 MR. ARMSTRONG: Government Exhibit 364 at 64, please  
10 -- I'm sorry, 345 at 64.

11 BY MR. ARMSTRONG:

12 **Q** This is a prescription to Mr. Fernandez, right?

13 **A** Correct.

14 **Q** How many pills of hydrocodone?

15 **A** 120.

16 **Q** Let's do it this way. I believe we went over this  
17 information with Mr. Fernandez. You were here for that  
18 testimony, correct?

19 **A** Correct.

20 **Q** And when we went over this information with Mr. Fernandez,  
21 I believe that the total volume of hydrocodone pills you  
22 prescribed to him was in the ball park of 900; is that correct?

23 **A** I don't know if that was referring to Mr. Fernandez or not.

24 **Q** All right. So, we have to go through it?

25 **A** If you want to.

1 **Q** Okay.

2 MR. ARMSTRONG: Government Exhibit 345 at 64.

3 BY MR. ARMSTRONG:

4 **Q** How many pills of hydrocodone did you prescribe to  
5 Mr. Fernandez?

6 **A** That's 120.

7 **Q** Okay.

8 MR. ARMSTRONG: Government Exhibit 364 at 63, please.

9 BY MR. ARMSTRONG:

10 **Q** How many pills of hydrocodone did you prescribe to  
11 Mr. Fernandez?

12 **A** That's 120.

13 MR. ARMSTRONG: Government's Exhibit 345 at 62.

14 BY MR. ARMSTRONG:

15 **Q** How many pills of hydrocodone did you prescribe to  
16 Mr. Fernandez?

17 **A** That's 120.

18 MR. ARMSTRONG: Government's Exhibit 345 at 61.

19 BY MR. ARMSTRONG:

20 **Q** How many pills of hydrocodone did you prescribe to  
21 Mr. Fernandez?

22 **A** 115.

23 **Q** Was he on his phone that day?

24 **A** I'm sorry?

25 **Q** Was he on his phone that day?

1 **A** No, I don't believe so.

2 MR. ARMSTRONG: Government's Exhibit 364 at 60 -- I'm

3 sorry, 345 at 60.

4 Government's Exhibit 345 at 59.

5 BY MR. ARMSTRONG:

6 **Q** How many pills did you prescribe to Mr. Fernandez?

7 **A** 120.

8 **Q** Of hydrocodone, right?

9 **A** Correct.

10 MR. ARMSTRONG: Government's Exhibit 345 at 58.

11 BY MR. ARMSTRONG:

12 **Q** How many pills of hydrocodone did you prescribe to

13 Mr. Fernandez?

14 **A** 120.

15 **Q** If you trust my math, that is about -- more than 700 pills

16 of hydrocodone to Mr. Fernandez, right?

17 **A** Sure.

18 **Q** Is that correct or not?

19 **A** I didn't do the math so I'm trusting your math.

20 THE COURT: Let's assume that it is.

21 Keep moving.

22 MR. ARMSTRONG: Thank you, your Honor.

23 BY MR. ARMSTRONG:

24 **Q** Okay. So, you prescribed over 700 pills to someone with

25 cirrhosis of the liver?

1 **A** I was not aware that he had cirrhosis of the liver.

2 **Q** So, you prescribed over 700 pills to someone who has  
3 cirrhosis of the liver, right?

4 **A** Now, I know he has cirrhosis of the liver.

5 **Q** That wasn't my question, ma'am. You prescribed over 700  
6 pills to someone who has cirrhosis of the liver, right?

7 **A** At that time, yes, correct.

8 MR. ARMSTRONG: No further questions, your Honor.

9 THE COURT: Do you pass the witness?

10 MR. ARMSTRONG: Yes.

11 THE COURT: Okay.

12 MR. LEWIS: May I proceed, Judge?

13 THE COURT: Yes, sir.

14 MR. LEWIS: Can we have that 345 at 88.

15 May I approach, Judge?

16 THE COURT: Yes.

17 REDIRECT EXAMINATION

18 BY MR. LEWIS:

19 **Q** Do you recall the fax number for Gulfton clinic, Dr. Craig?

20 **A** No, I don't. It actually changed a couple of times.

21 **Q** Okay. Would it be the number that's listed on your  
22 prescriptions?

23 **A** That would have been the number at that time, yes.

24 **Q** Oh, so, it changed at one point, okay.

25 **A** Exactly.

- 1 **Q** All right. Can you -- I think in response to  
2 Mr. Armstrong, he asked you if this particular document was  
3 faxed to Gulfton. Can you determine from looking at this  
4 document whether or not it was faxed to Gulfton?
- 5 **A** At this time, I can't.
- 6 **Q** So, you're not sure whether or not Gulfton received this?
- 7 **A** Well, I know we received it because it was in the chart  
8 but --
- 9 **Q** Okay. Did Mr. Fernandez at any time make you aware that he  
10 had cirrhosis of the liver?
- 11 **A** No, he did not.
- 12 **Q** And I think according to his chart you saw him on at least  
13 six encounters?
- 14 **A** Yes.
- 15 **Q** Yesterday, Mr. Armstrong asked you questions regarding  
16 board certification.
- 17 Do you recall some of those questions, Dr. Craig?
- 18 **A** Yes.
- 19 **Q** Is board certification of a physician required in order to  
20 treat a chronic pain patient?
- 21 **A** No.
- 22 **Q** In response to Mr. Armstrong yesterday, I think he also  
23 asked you questions regarding whether or not the clinic  
24 administrator had medical training -- I'm sorry, that was not  
25 the question -- whether or not the individual that interviewed

- 1 you for your job had any medical training or not.
- 2 Do you recall that?
- 3 **A** Yes, I do.
- 4 **Q** Okay. As far as medical training, is a -- someone that's
- 5 interviewing you for a job, is that person required to have
- 6 medical training before they can interview you?
- 7 **A** No, definitely not.
- 8 **Q** Have you ever been interviewed for a job by someone that
- 9 did not have medical training?
- 10 **A** Yes, absolutely.
- 11 **Q** How many times?
- 12 **A** Several times.
- 13 **Q** Is a clinic administrator required to have medical
- 14 training?
- 15 **A** No, they're not.
- 16 **Q** Is a clinic manager -- a health clinic manager similar to
- 17 one at Gulfton, is that individual required to have medical
- 18 training?
- 19 **A** No, they are not.
- 20 **Q** Loren Phillips was a manager at Gulfton?
- 21 **A** She was the clinic manager, yes.
- 22 **Q** And as far as Loren Phillips, did Loren Phillips have
- 23 medical training?
- 24 **A** No, she did not.
- 25 **Q** Yesterday, Mr. Armstrong asked you questions regarding

1 risks and benefits of drugs.

2 Do you recall those questions?

3 **A** Yes.

4 **Q** How frequent does drugs have risks?

5 **A** All drugs have risks.

6 **Q** When you say "all drugs," would that mean prescription  
7 drugs and non-prescription drugs?

8 **A** That's correct.

9 **Q** Are you familiar with aspirin?

10 **A** Yes, I am.

11 **Q** Does aspirin have a risk?

12 **A** Absolutely.

13 **Q** What happens when an individual -- well, first, before we  
14 go there, what are the risks associated with aspirin?

15 **A** The most concerning --

16 MR. ARMSTRONG: Objection, your Honor. Scope.

17 THE COURT: Sustained.

18 BY MR. LEWIS:

19 **Q** It is your testimony -- does aspirin have a serious risk of  
20 death?

21 MR. ARMSTRONG: Objection, your Honor. Scope.

22 THE COURT: Sustained.

23 Remember, now, it's going back to redirect. It's  
24 got to have been covered, to some extent, by the other lawyer in  
25 order to go there. So, that's when he says scope, it's beyond

1 the scope of what he claims was discussed during the first part  
2 of the direct and the cross-examination.

3 Go right ahead.

4 BY MR. LEWIS:

5 Q As far as risks are concerned, though, is it your testimony  
6 that all drugs have risk?

7 A Yes, they do.

8 Q Does all drugs have serious risks?

9 A Yes.

10 Q And does all drugs have risks of death?

11 A Yes.

12 Q What steps do you take as a clinician at Gulfton clinic to  
13 address the risks associated with the drugs that you prescribe?

14 A The risks for -- maybe for the hydrocodone is outlined in  
15 the pain contract that the patient signs.

16 Q And same question as relate to the benefits of drugs that  
17 you prescribed at Gulfton.

18 A Yes.

19 Q Is that addressed as part of your care of a patient at  
20 Gulfton?

21 A Yes, it is.

22 Q Dr. Craig, have you ever been treated as a patient?

23 A Yes, absolutely.

24 Q As a new patient, did you sign intake forms?

25 MR. ARMSTRONG: Objection, your Honor. Scope.



1 THE COURT: Sustained.

2 BY MR. LEWIS:

3 Q When a patient goes to a doctor as a new patient, do they  
4 normally sign intake forms?

5 MR. ARMSTRONG: Objection, your Honor. Scope.

6 THE COURT: Overruled.

7 THE WITNESS: Yes, they do.

8 BY MR. LEWIS:

9 Q And based on your understanding and training, is the doctor  
10 required to reread those forms to the question?

11 A No, they are not.

12 Q Dr. Craig, did you issue written prescriptions to Davis  
13 Webster and Tonya Graham?

14 A Yes, I did.

15 Q And did you issue written prescriptions for hydrocodone and  
16 Soma to both of these individuals?

17 A Yes, I did.

18 Q How would Davis Webster and Tonya Graham acquire those  
19 medications?

20 A They would have to have them filled at the pharmacy.

21 Q Okay. And at a pharmacy -- and that would be by a  
22 registered pharmacist?

23 A Yes.

24 Q Based on your understanding and training, is a registered  
25 pharmacist required to counsel a patient about medications on

- 1 each new prescription?
- 2 **A** Yes, they are.
- 3 **Q** And when I say "required to counsel," what does that mean?
- 4 **A** They're required by law to explain the medication to the
- 5 patient.
- 6 **Q** If a pharmacist inaccurately fills a prescription, is that
- 7 your responsibility?
- 8 **A** No, it's not.
- 9 **Q** Whose responsibility is it?
- 10 **A** The pharmacist.
- 11 **Q** Other than taking pictures of patient charts, what other
- 12 privacy concerns did you have about patients using their
- 13 telephone at Gulfton?
- 14 **A** Well, a patient could also take a picture of another
- 15 patient with their phone.
- 16 **Q** And would taking that picture be a wrongful disclosure of
- 17 that patient's identity?
- 18 **A** Yes, it would.
- 19 **Q** And would that be covered under HIPAA?
- 20 **A** It would be a violation of HIPAA, yes.
- 21 MR. LEWIS: Judge, I'm going to need the Elmo on,
- 22 please.
- 23 It says it's not detected, Judge.
- 24 BY MR. LEWIS:
- 25 **Q** Dr. Craig, I'm showing you what has been admitted into

1 evidence as Government's Exhibit 900.

2 Do you recall getting questions regarding this  
3 particular document yesterday from Mr. Armstrong?

4 **A** Yes.

5 **Q** And again, what is this document that's being depicted on  
6 the screen?

7 **A** That's my response to the Texas Medical Board.

8 **Q** Now, yesterday, Mr. Armstrong had you read, I think, the  
9 first two sentences.

10 Do you recall that?

11 **A** Yes.

12 **Q** Okay. Now -- and this was a response in reference to a  
13 notice letter that you received from the Texas Medical Board,  
14 right?

15 **A** That's correct.

16 **Q** Would you read the sentence in that response starting at  
17 "However."

18 **A** "However, in response to the allegations, I believe that  
19 they are completely baseless and unfounded. In fact, one of the  
20 allegations, failure to supervise delegates, doesn't even apply  
21 to my current practice at all."

22 **Q** And was that your response to the allegations that  
23 Mr. Armstrong -- to the statutory grounds of allegations that  
24 Mr. Armstrong asked you about yesterday?

25 **A** Yes, that's correct.

1 Q Could you read the next sentence regarding that response.

2 A It says, "Although I believe that one can always find areas  
3 in which they can make improvements, I have gone to great  
4 lengths ever since I began working in this practice to ensure  
5 that I am providing the expected standard of care according to  
6 the laws that govern this particular area of medicine."

7 Q What did you mean by that sentence, Dr. Craig?

8 A My point was that I would never claim that I'm perfect. I  
9 can always make improvements. But I'm doing as much as I can at  
10 the time to make sure that I'm meeting the standard of care.

11 Q Do you remember questions yesterday from Mr. Armstrong  
12 regarding -- regarding urine drug screens?

13 MR. LEWIS: Thank you.

14 THE WITNESS: Yes.

15 BY MR. LEWIS:

16 Q Before I go further, though, are you familiar with a --  
17 with Chapter 170.3 of the Texas Administrative Code?

18 A Yes, I am.

19 Q And what is Chapter 170.3 of the Texas Administrative Code?

20 A They are guidelines for the treatment of chronic pain.

21 Q Based on your understanding of that chapter and that  
22 regulation, are you required to conduct urine drug screens?

23 A No, it's not required.

24 Q Based on your understanding as a clinician and also your  
25 education, what is the best practice of using the urine drug

1 screen?

2 **A** When you do use urine testing, it's best to do it randomly  
3 so the patient doesn't know when to expect it.

4 **Q** Okay. Now, Mr. Armstrong asked you questions regarding  
5 Mr. Fernandez, Mr. Sedberry, and Ms. Robinson.

6 Do you remember questions related to whether or  
7 not they took urine drug screens?

8 **A** Yes.

9 **Q** Why did you not give these patients a urine drug screen?

10 **A** If we were selecting patients randomly, that means those  
11 particular patients had not been selected.

12 **Q** As far as the PMP report, what is your understanding of the  
13 PMP report?

14 **A** It is a database that gives information about controlled  
15 substances that were prescribed to a particular patient.

16 **Q** And are you familiar with ICD-10 codes?

17 **A** Yes.

18 **Q** And would that be synonymous -- well, could that be  
19 synonymous to codes related to a diagnosis?

20 **A** Yes.

21 MR. LEWIS: I'm showing her 357 at 21.

22 BY MR. LEWIS:

23 **Q** Dr. Craig, I'm now showing you what's been admitted into  
24 evidence as Government's Exhibit 357 at page 21.

25 Are you familiar with this document?

- 1 **A** Yes.
- 2 **Q** And what is it?
- 3 **A** It's a prescription that was written to Tonya Jackson.
- 4 **Q** And was it a prescription that's issued by you?
- 5 **A** Yes.
- 6 **Q** Now, does this prescription indicate that -- a diagnosis
- 7 for Tonya Jackson?
- 8 **A** Yes.
- 9 **Q** And what does it indicate?
- 10 **A** Right under her name next to diagnosis.
- 11 **Q** Would that be here (indicating)?
- 12 **A** There and at the top.
- 13 **Q** Right here (indicating) --
- 14 **A** Correct.
- 15 **Q** -- myospasm?
- 16 **A** Yes.
- 17 **Q** And right here (indicating)?
- 18 **A** Yes.
- 19 **Q** And what would that diagnosis be?
- 20 **A** Chronic lumbar pain.
- 21 **Q** Okay. Now, I think you just testified that you're familiar
- 22 with the PMP and how it works; is that correct?
- 23 **A** Yes.
- 24 **Q** And when the data from the pharmacy is uploaded to the PMP
- 25 system, does that data include the diagnosis for a patient?

1 **A** No, it doesn't.

2 **Q** So, when you looked at that report yesterday, that wouldn't  
3 have been any reason for the diagnosis to appear on that report,  
4 would it?

5 **A** No.

6 **Q** How was this report utilized in the Gulfton clinic?

7 MR. ARMSTRONG: Objection, your Honor. Asked and  
8 answered.

9 MR. LEWIS: I'll move on.

10 THE COURT: That's sustained.

11 MR. LEWIS: I'll move on.

12 BY MR. LEWIS:

13 **Q** Dr. Craig, I'm going to direct you now to the screen that's  
14 displaying Government's Exhibit 360 at 27.

15 Are you familiar with that?

16 **A** Yes.

17 **Q** And what is it?

18 **A** It's a receipt for x-rays for David Webster.

19 **Q** Okay. And what is the date of that receipt?

20 **A** 5-15-2017.

21 **Q** And what is significant about that receipt?

22 **A** It shows that he got x-rays from One Step Diagnostic and  
23 paid \$35.

24 **Q** On May the 15th?

25 **A** On May 15, 2017.

- 1 **Q** Okay. And would that x-ray been pursuant to an x-ray order  
2 that you authorized from Gulfton?
- 3 **A** Yes. He had received an x-ray order form from the clinic.
- 4 **Q** Okay. And was he seen in the clinic on May the 16th of  
5 2017?
- 6 **A** Yes, I believe so.
- 7 **Q** Okay. And that would -- and he would have taken that x-ray  
8 before he was seen?
- 9 **A** The day before.
- 10 **Q** Okay. Yesterday, Mr. Armstrong asked you some questions  
11 regarding an individual. I can't say the last name but the  
12 first name is Hawraa or Hawraa?
- 13 **A** Yes.
- 14 **Q** Do you recall those questions?
- 15 **A** I do.
- 16 **Q** Was this individual qualified under your supervision to  
17 perform the acts that they performed at the Gulfton clinic?
- 18 MR. ARMSTRONG: Objection, your Honor. Qualified how?
- 19 THE COURT: All right. Explain it.
- 20 MR. LEWIS: I'll reask it.
- 21 BY MR. LEWIS:
- 22 **Q** Was this individual qualified by their training in order to  
23 perform the acts that they performed at Gulfton?
- 24 **A** Yes, she was.
- 25 **Q** And why were they qualified?



1 **A** She was a medical doctor in her country.

2 **Q** Yesterday, Mr. Armstrong asked you questions regarding  
3 security cameras.

4 Do you remember those questions?

5 **A** Yes.

6 **Q** And was there -- did you have a concern while you were  
7 medical director at Gulfton that there was too many security  
8 cameras in the clinic?

9 **A** No, never.

10 **Q** What was your opinion of the -- of the existence of those  
11 security cameras?

12 **A** I thought they were appropriate.

13 **Q** And as far as location of the security cameras, do you  
14 believe that they were placed appropriately?

15 **A** Yes, I do.

16 **Q** In response to questions yesterday regarding CAMs, I think  
17 Mr. Armstrong asked you some questions.

18 Do you recall those questions?

19 **A** Yes.

20 **Q** Before I ask you about them, I think he also brought up the  
21 term "evidence-based."

22 Do you recall that question?

23 **A** Yes.

24 **Q** And what does -- in relationship to a CAM, what does -- how  
25 does evidence-based relate to a CAM?

1 **A** Just means that research was done to study those  
2 modalities.

3 **Q** And would it mean that the research in this regard shows  
4 that a CAM was effective for some type of treatment that the  
5 patient needed?

6 **A** It just means -- yes, generally.

7 **Q** That it could be used --

8 **A** Yes.

9 **Q** -- in treating the patient?

10 Now, are you familiar with the -- well, is  
11 massage a CAM?

12 **A** Yes, it is.

13 **Q** Is stretching a CAM?

14 **A** Yes, it is.

15 **Q** And are both of these CAMs evidence based?

16 **A** Yes.

17 **Q** I think you testified that you are familiar with Texas  
18 Administrative Code 170.3 which is the chronic pain guidelines,  
19 correct?

20 **A** Yes.

21 **Q** And are CAMs referred to under these guidelines?

22 **A** Yes.

23 **Q** Based on your understanding of those rules, are CAMs  
24 required -- based on your understanding of those rules, is there  
25 a certain number of CAMs that's required when you treat a

1 patient?

2 **A** No, there's not.

3 **Q** Now, I think in response to questions from Mr. Armstrong,  
4 he asked you about individualized care for patients.

5 Do you recall those questions, Dr. Craig?

6 **A** Yes.

7 **Q** Now, he showed you that in reference to Amanda Robinson,  
8 Alice Goulsby, and Paul Fernandez that they all received  
9 prescriptions for the same amount of pills.

10 Do you recall that?

11 **A** Yes.

12 **Q** Now -- well, if they all received the same amount of pills,  
13 how do you purport that they received individualized care?

14 **A** The patients had indicated that Norco and -- specifically,  
15 was working -- it was effective in treating their pain. The  
16 number of pills, that was one month supply.

17 **Q** Okay. And why did you prescribe a month supply?

18 **A** Because the patients had to return every month. We did not  
19 authorize refills.

20 **Q** And prescribing that amount of pills, based on your  
21 education and training and your experience as a doctor, was that  
22 within the standard of care?

23 **A** Yes.

24 **Q** And was that within the guidelines set forth by the  
25 manufacturer, the FDA, and the CDC?

1 **A** Yes.

2 **Q** Yesterday, Mr. Armstrong asked you some questions regarding  
3 a compliance binder.

4 Do you remember that?

5 **A** Yes.

6 **Q** And what types of things were included in your compliance  
7 binder?

8 **A** It was extensive, but it gives basic guidelines for  
9 utilization of treatments in the practice.

10 **Q** Was a document referred to -- and I think he referred to  
11 it. Was a document referred to -- referred to as a  
12 Collaborative Practice Agreement included in your compliance  
13 binder?

14 **A** Yes, it was in there.

15 **Q** And what is a Collaborative Practice Agreement?

16 **A** It's an agreement between myself and mid-level providers.

17 **Q** What does that agreement cover?

18 **A** It covers a bunch of things that we have to agree upon for  
19 them to work under my supervision.

20 **Q** Why is that agreement used?

21 **A** It's required by the Medical Practice Act.

22 **Q** Yesterday, Mr. Armstrong asked you questions about some CME  
23 courses that you had taken.

24 Do you recall that, Dr. Craig?

25 **A** Yes.

- 1 **Q** In 2017, how many CME courses did you complete?
- 2 **A** In 2017?
- 3 **Q** I'm sorry, in 2016.
- 4 **A** I don't remember the specific number. I think about ten.
- 5 **Q** Okay. And did you complete any in 2017?
- 6 **A** No, I did not.
- 7 **Q** Okay. Now, the CME courses that you took, were they all
- 8 from the same CME provider?
- 9 **A** No.
- 10 **Q** What is your -- the CME courses that you took, do they
- 11 cover various areas related to treating a patient?
- 12 **A** Yes.
- 13 **Q** The CME courses that you took, did they cover areas
- 14 relating to chronic pain patients?
- 15 **A** Yes.
- 16 **Q** Was each one of those courses the same content?
- 17 **A** No.
- 18 **Q** And as far as the provider of that course, is the contents
- 19 of that course that provider's opinion?
- 20 **A** Yes.
- 21 **Q** Yesterday, I think Mr. Armstrong asked you questions
- 22 regarding the care for Patient Esther Magana.
- 23 Do you recall that?
- 24 **A** Yes.
- 25 **Q** And you did issue prescriptions for Esther Magana, did you

1 not?

2 **A** Yes, I did.

3 **Q** All right. In response to questions from Mr. Armstrong  
4 yesterday, he asked you questions related to prescribing a  
5 benzodiazepine, a Soma, and hydrocodone.

6 Do you recall those questions?

7 **A** Yes.

8 **Q** How many times did you prescribe a benzodiazepine for  
9 Esther Magana?

10 **A** I never did.

11 **Q** Did Esther Magana, based on your review of her PMP report,  
12 receive a prescription from Gulfton --

13 MR. LEWIS: Strike that question.

14 BY MR. LEWIS:

15 **Q** Did any patient that you treated at Gulfton receive a  
16 prescription that -- or prescriptions that included a  
17 benzodiazepine, Soma, and hydrocodone?

18 **A** No, they did not.

19 **Q** Why? Why didn't you prescribe that combination of drugs?

20 **A** Because I knew that particular combination was  
21 contraindicated.

22 **Q** Yesterday, Mr. Armstrong asked you some questions -- well,  
23 first, do you recognize this document from yesterday, Dr. Craig?

24 **A** Yes, I do.

25 **Q** And why do you recognize it?

1 **A** It's regarding medical records on a patient Charlotte  
2 Mason.

3 **Q** Okay. And that's one of the patients that we talked about  
4 earlier this morning; is that correct?

5 **A** I'm not sure we talked about her this morning.

6 **Q** We talked about her yesterday afternoon then at the end of  
7 the day?

8 **A** Yes.

9 **Q** Okay. And I think Mr. Armstrong had you read some  
10 information from this particular page?

11 **A** Yes.

12 **Q** Okay. Yesterday, I think that Mr. Armstrong had you read  
13 this sentence beginning "During."  
14 Do you recall that?

15 **A** Yes, I do.

16 **Q** And could you read that -- could you start reading that  
17 sentence now for me.

18 **A** "During her MICU stay, psych was consulted as family had  
19 told MICU team that patient had taken a whole bottle of Ambien  
20 while patient stated she had only taken one tab."

21 **Q** Now, Mr. Armstrong did not ask you to read the next  
22 sentence of this form, did he?

23 **A** No, he did not.

24 **Q** Can you read that sentence.

25 **A** "Psych believes she has no current depressive episode and

1 having appropriate grief response to her husband's recent  
2 passing."

3 **Q** What does that mean to you?

4 **A** That means that the psych team who came to evaluate her  
5 says she was not having a depressive episode and she was  
6 actually having appropriate grief response from her husband's  
7 dying recently.

8 **Q** Now, that is not a report that's been issued by you, was  
9 it, Dr. Craig?

10 **A** No, it was not.

11 **Q** Well, Dr. Craig, I'm showing you a page that's also  
12 included in the medical chart for Charlotte Mason.

13 Do you see that, Dr. Craig?

14 **A** Yes.

15 **Q** And does it indicate that this was in the medical chart for  
16 Charlotte Mason when she was treated as a patient at Gulfton?

17 **A** Yes.

18 **Q** Do you recognize this form, Dr. Craig?

19 **A** Yes, I do

20 **Q** And how do you recognize this form?

21 **A** It's one of Gulfton's follow-up exam forms.

22 **Q** Did you sign this form?

23 **A** Yes, I did.

24 **Q** And was this form one of the documents used to assess  
25 Charlotte Mason as a patient at Gulfton?



- 1 **A** Yes.
- 2 **Q** Now, this form in this area has some wording.
- 3 Do you see that, Dr. Craig?
- 4 **A** Yes.
- 5 **Q** And who entered that wording?
- 6 **A** I wrote that.
- 7 **Q** And could you read what that says to the jury regarding
- 8 Charlotte Mason?
- 9 **A** Top says, "Needs x-rays. Then, x-ray negative. Patient
- 10 with history of respiratory failure. Not use CPAP. History of
- 11 non-compliance. Will not continue to treat patient."
- 12 **Q** What's the date that you entered that note, Dr. Craig?
- 13 **A** It was February 11, 2016.
- 14 **Q** What does that mean -- what you've just read to this jury,
- 15 what does that mean as relate to treating this patient?
- 16 **A** Well, that was regarding a discussion we had had with the
- 17 patient. She admitted that she wasn't using her CPAP machine
- 18 the way she needed to; and I, basically, told her, because she
- 19 wasn't -- that she wasn't being compliant, I couldn't continue
- 20 to treat her condition.
- 21 **Q** Okay. Now, on this date, you issued a prescription for
- 22 Ms. Mason, did you not?
- 23 **A** Yes, I did.
- 24 **Q** And why did you issue a prescription for Ms. Mason since
- 25 you were not going to treat her anymore?

1 **A** That had to do with the requirement of continuation of  
2 care. I can't just abandon her. So, I treated her with the  
3 understanding that this is the last time I could treat her.

4 **Q** Now, if you didn't treat this patient anymore, could that  
5 affect how much economic benefit you would get from her as a  
6 patient at Gulfton?

7 **A** Yes.

8 **Q** Is the notation that you just read to the jury, is that a  
9 notation related to patient care?

10 **A** Yes, it is.

11 **Q** And do you believe you acted within the standard of care  
12 when you reached that conclusion regarding Ms. Mason?

13 **A** Yes, absolutely.

14 MR. LEWIS: Pass the witness.

15 MR. WILLIAMS: Turn the lights back on, please, your  
16 Honor. I'm not going to need any of these documents.

17 THE COURT: Yes.

18 RE CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 **Q** Dr. Craig, I'm Cornel Williams. Just a few questions for  
21 you, I'm sorry.

22 Now, I believe yesterday, upon examination from  
23 Mr. Armstrong, you talked about that Mr. Faithful ran certain  
24 activities of the clinic; is that correct?

25 **A** Yes.

- 1 **Q** Okay. Did that include him running the medicine that --  
2 the treatment of these patients that you did?
- 3 **A** No, he had nothing to do with that.
- 4 **Q** Did you ever discuss the patient care with Mr. Faithful?
- 5 **A** No, I did not.
- 6 **Q** Does Mr. Faithful have any medical training, to your  
7 knowledge?
- 8 **A** No, not to my knowledge.
- 9 **Q** So, you wouldn't have any reason to discuss what you -- how  
10 you would treat patients and what went on with patients with  
11 Mr. Faithful, would you?
- 12 **A** No.
- 13 **Q** Did any of these patients ever inform you that they would  
14 divert the particular drugs that you prescribed them to somebody  
15 else?
- 16 **A** No, no one ever told me that.
- 17 **Q** And when these patients came in, isn't it true that you  
18 relied upon what the patients told you in order to make a  
19 diagnosis for what you would treat them for?
- 20 **A** Yes, I did.
- 21 **Q** And of course, we now know that Tonya Graham deceived you  
22 in terms of what she told you in terms of -- when she visited  
23 you; is that correct?
- 24 **A** Yes, she did.
- 25 **Q** And the same goes for Davis Webster; is that correct?

1 **A** Yes, correct.

2 MR. WILLIAMS: I have no further questions for this  
3 witness, Judge.

4 MR. ARMSTRONG: A few questions, your Honor.

5 THE COURT: Okay.

6 RECROSS-EXAMINATION

7 BY MR. ARMSTRONG:

8 **Q** Ma'am, is it your testimony that if the patient didn't  
9 understand how to take these risky addictive drugs, it was the  
10 pharmacist's fault?

11 **A** I said it was the pharmacist's responsibility to explain  
12 the medications to the patient.

13 **Q** But not your responsibility, right?

14 **A** I did not have to repeat that information to the patient,  
15 no.

16 THE COURT: Repeat what information?

17 THE WITNESS: My point is --

18 THE COURT: The pharmacist hadn't given any advice yet  
19 when you wrote a new prescription.

20 THE WITNESS: My point is the patients had taken the  
21 medications before coming to me.

22 BY MR. ARMSTRONG:

23 **Q** And so, in your mind, your responsibility is over because  
24 they had taken the drugs before?

25 MR. LEWIS: Objection. Asked and answered.

1 THE COURT: Overruled.

2 BY MR. ARMSTRONG:

3 Q And so, in your mind, your responsibility ends because they  
4 had taken the drugs at some point before?

5 A I didn't say that. I said it wasn't required of me to  
6 explain the medications again to the patient.

7 Q So, you just didn't do it?

8 A No, I did not until it was required.

9 Q Now, you're not really trying to say that the risks of  
10 ibuprofen are the same as the risks of hydrocodone, are you?

11 A The most significant risks, yes, are the same.

12 Q Seriously?

13 A A patient can --

14 THE COURT: Wait. Hold it.

15 That's what she said, okay?

16 MR. ARMSTRONG: Thank you, your Honor.

17 Ms. Mortezaavi, if you can, please, pull up  
18 Government's Exhibit 360 at 27.

19 THE COURT: I need to flip the video, right? Hang on.

20 BY MR. ARMSTRONG:

21 Q Ma'am, this is the document that you went over with  
22 Mr. Lewis just now, right?

23 A Yes.

24 Q Now, where in this document does it tell you what  
25 Mr. Webster actually got x-rayed?

- 1 **A** It does not say that on the receipt.
- 2 **Q** So, did he get his head x-rayed?
- 3 THE COURT: Speak up, counsel.
- 4 BY MR. ARMSTRONG:
- 5 **Q** Did he get his head x-rayed?
- 6 **A** He would have gotten x-rayed what I put on the x-ray order
- 7 form, which was his back.
- 8 **Q** All right. But according to this record that was very
- 9 important, it tells you nothing about what he actually got
- 10 x-rayed, right?
- 11 **A** It does not say it on the receipt, no.
- 12 **Q** Does the -- ibuprofen have a risk of respiratory failure?
- 13 **A** No.
- 14 **Q** Okay. So, the risks are different between ibuprofen and
- 15 hydrocodone, right?
- 16 **A** Yes, they are.
- 17 **Q** So, it was false testimony you gave just a minute ago?
- 18 **A** No.
- 19 MR. ARMSTRONG: No further questions, your Honor.
- 20 MR. LEWIS: Just a couple, Judge.
- 21 THE COURT: Yes, sir.
- 22 MR. LEWIS: Pull that back up, the receipt.
- 23 FURTHER REDIRECT EXAMINATION
- 24 BY MR. LEWIS:
- 25 **Q** Dr. Craig, do you recall as part of your direct (sic)

1 examination Mr. Armstrong asking you questions regarding blank  
2 x-ray request forms?

3 **A** Yes, I do.

4 **MR. ARMSTRONG:** Objection, your Honor. Scope.

5 **THE COURT:** Overruled.

6 **BY MR. LEWIS:**

7 **Q** Would a -- that type of form been given to Mr. Webster in  
8 order for him to get an x-ray?

9 **A** Yes, exactly.

10 **Q** And would that x-ray -- on that blank form, what did it  
11 indicate the -- as the site for that individual's x-ray?

12 **A** X-ray of the lumbar sacral spine.

13 **Q** And why was that x-ray being requested?

14 **A** For low back pain.

15 **Q** And if Mr. Webster received that x-ray, he would have paid  
16 for it with a -- the receipt that's being depicted is evidence  
17 that he actually had that x-ray?

18 **A** Yes.

19 **Q** As far as ibuprofen -- I think Mr. Armstrong just asked you  
20 questions regarding ibuprofen.

21 **What strength ibuprofen did you prescribe to**  
22 **Davis Webster?**

23 **A** I don't recall the strength.

24 **Q** Hold on.

25 **MR. LEWIS:** Could I have the Elmo on, Judge.

1 357, 21.

2 BY MR. LEWIS:

3 Q I'm showing you what is Government's Exhibit 357 at 21; and  
4 that's a prescription for Tonya Graham, not Davis Webster. Is  
5 there an order for ibuprofen that's being shown on the  
6 prescription, Dr. Craig?

7 A Yes. For 800 milligrams.

8 Q And would that have -- how does an individual get a  
9 prescription for ibuprofen, 800 milligrams?

10 A They would have to have it filled at the pharmacy.

11 Q Can you go in and buy that off the counter?

12 A Not in 800 milligram form.

13 Q Okay. So, that -- as far as ibuprofen, 800 milligrams is  
14 concerned, are there any serious effects associated -- side  
15 effects or adverse effects associated with ibuprofen, 800  
16 milligrams?

17 A Yes, there can be.

18 Q And would those serious side effects or adverse effects be  
19 similar to the same ones regarding opiates?

20 A In excess, yes.

21 Q What do you mean by "in excess"?

22 A Basically, an overdose.

23 MR. LEWIS: No further questions.

24 THE COURT: Mr. Williams?

25 MR. WILLIAMS: Nothing further from this witness, your



## Craig - Further Recross/Armstrong

1 Honor.

2 THE COURT: Government?

3 FURTHER RECROSS-EXAMINATION

4 BY MR. ARMSTRONG:

5 Q Ma'am, in your training and experience as a doctor, how  
6 many people get addicted to ibuprofen?

7 A I've never heard of anyone getting addicted to ibuprofen.

8 MR. ARMSTRONG: No further questions.

9 THE COURT: Mr. Williams?

10 MR. WILLIAMS: No further questions, your Honor.

11 MR. LEWIS: Nothing further, Judge.

12 THE COURT: Mr. Lewis? Nothing, okay.

13 Thank you, ma'am. You may step down.

14 Call your next witness.

15 MR. LEWIS: At this time, Judge, Defendant Craig  
16 rests.

17 THE COURT: Ladies and gentlemen, we need to take  
18 about a five-minute break, just five minutes; and we'll be right  
19 back with you. So, we'll see you in about five minutes.

20 THE COURT SECURITY OFFICER: All rise for the jury.

21 (The jury recessed at 11:19 a.m.)

22 THE COURT: All right. Mr. Williams, do you elect to  
23 proceed with any witnesses in this case?

24 MR. WILLIAMS: Other than, Judge, I think me and  
25 Mr. Armstrong talked about those text messages when we first

1 started; but I don't think we agreed to -- well, I think we  
2 agreed. I just never let you know if we were going to introduce  
3 them or not. I would like to introduce those, and I'll rest  
4 upon no objection.

5                   They're just the text messages that I gave to you  
6 on my exhibit list. Text messages that you gave to me, okay, as  
7 part of the particular discovery, I filed an exhibit list with  
8 those; and you asked me if we were going to introduce those.

9                   MR. ARMSTRONG: I think that ship has sailed,  
10 Mr. Williams.

11                  MR. WILLIAMS: Well, it hasn't been sailed. I mean,  
12 if you don't agree, I can move to introduce them now.

13                  MR. ARMSTRONG: No objection, your Honor.

14                  THE COURT: No objection.

15                         What are they?

16                  MR. WILLIAMS: They're just text messages from the --  
17 from Loren Phillips to some of the agents. That's all.

18                  THE COURT: All right. No objection, they're  
19 admitted.

20                         What number are they? Well, work that out.

21                  MR. WILLIAMS: We'll work that out.

22                  THE COURT: Okay, work that out; and they'll be  
23 admitted.

24                         All right. Aside from that, sir, do you desire  
25 to call any witnesses?

1 MR. WILLIAMS: No, sir, your Honor.

2 THE COURT: All right. Everybody can be seated.

3 Mr. Williams, if you want to discuss with your  
4 client now and I'll ask a few questions like we did last time as  
5 to his right to testify, his right to remain silent --

6 MR. WILLIAMS: Absolutely.

7 THE COURT: -- and what his election is.

8 MR. WILLIAMS: Yes, sir, your Honor.

9 (Discussion off the record between Mr. Williams and  
10 Defendant Shane Faithful.)

11 MR. WILLIAMS: After consulting with my client, I  
12 think it's his decision not to testify; but if the Court desires  
13 to --

14 THE COURT: Well, if you want to ask him a question or  
15 two and then I'll briefly follow up.

16 MR. WILLIAMS: Okay.

17 Now, Mr. Faithful, we've spoken regarding whether  
18 you -- your right to testify in this particular matter, have we  
19 not?

20 DEFENDANT SHANE FAITHFUL: Yes.

21 MR. WILLIAMS: And is it your desire at this point not  
22 to testify at this particular time in this proceeding?

23 DEFENDANT SHANE FAITHFUL: That's correct.

24 MR. WILLIAMS: No further questions, Judge.

25 THE COURT: All right. Mr. Faithful, I just want to

1 reiterate that. You understand under the laws and the  
2 constitution you have the right to remain silent and not call  
3 any witnesses in this case; is that correct, sir?

4 DEFENDANT SHANE FAITHFUL: Yes, sir.

5 THE COURT: You understand, though, that you have that  
6 right to take the stand and to testify if you desire, correct?

7 DEFENDANT SHANE FAITHFUL: Yes.

8 THE COURT: And you've discussed this with your  
9 attorney, both here in open court and in your communications  
10 with your attorney, and it remains your desire not to testify in  
11 this case; is that correct, sir?

12 DEFENDANT SHANE FAITHFUL: That's right, your Honor.

13 THE COURT: Okay. Then, I'll accept that as a knowing  
14 waiver of his right.

15 All right. Anything further, counsel?

16 MR. WILLIAMS: Nothing further, your Honor.

17 THE COURT: All right. Let's talk about housekeeping  
18 before we get them back in. I have the jury instructions from  
19 the last go-round. Again, we'll do this formally. But any  
20 objections to the prior set of jury instructions as now  
21 constructed --

22 MR. ARMSTRONG: No, your Honor.

23 THE COURT: -- by the Government?

24 Any objections by the defense?

25 MR. WILLIAMS: I think I'd like to object to Jury

1 Instruction Number 20, I think it is, or on page 20.

2 THE COURT: Okay. Which is?

3 MR. WILLIAMS: I think that's the one regarding, if  
4 they find him guilty of a conspiracy, they could then -- if the  
5 conspiracy continues, they could then find him guilty of Counts  
6 2, 3, and 4 based upon a continuing conspiracy, Judge. I think  
7 that's the one.

8 THE COURT: What instruction is that?

9 MR. ARMSTRONG: I believe that's the Pinkerton  
10 instruction.

11 THE COURT: What?

12 MR. WILLIAMS: The Pinkerton instruction, that's  
13 exactly what it was.

14 MR. ARMSTRONG: The Pinkerton instruction, your Honor.

15 THE COURT: The which one?

16 MR. ARMSTRONG: The Pinkerton.

17 THE COURT: Okay.

18 MR. WILLIAMS: I think it was on either -- I think it  
19 was either 20 or on page 20, if I remember correctly.

20 THE COURT: Is it on page twenty --

21 MR. WILLIAMS: I think it's on page 25.

22 THE COURT: Right.

23 MR. WILLIAMS: It's Number 20. That's correct.

24 THE COURT: I see it, yes. So, you do object to that?

25 MR. WILLIAMS: I do, your Honor.

1 THE COURT: Okay. That's overruled. Objection  
2 overruled.

3 MR. WILLIAMS: Thank you.

4 MR. ARMSTRONG: And your Honor, is Mr. Williams also  
5 renewing, as well as Mr. Lewis, all of his prior objections to  
6 the jury instruction from the last go-round?

7 MR. WILLIAMS: Absolutely. It was my understanding  
8 that those would stand based upon the Court's previous rulings;  
9 but yeah, we are reurging.

10 Thank you, Mr. Armstrong.

11 THE COURT: Mr. Williams, do you also -- I mean,  
12 Mr. Lewis, same -- you, also?

13 MR. LEWIS: I'm reurging the same objections as the  
14 last time.

15 THE COURT: At that time, the objections are  
16 overruled; and therefore, the jury instructions that we gave the  
17 last time will be submitted once again.

18 Now, each side had what, an hour to sum up? Was  
19 that what we had -- how much each side?

20 MR. WILLIAMS: I think that's what it was.

21 MR. LEWIS: We had 40 minutes.

22 MR. WILLIAMS: I think we had 30 or 40 minutes each;  
23 and they had an hour, I think it was.

24 MR. LEWIS: I think that's what it was.

25 MR. ARMSTRONG: Your Honor, we would respectfully

1 request 75 minutes.

2 THE COURT: 75 minutes. You need that amount -- so  
3 you want -- the Government wants 75 minutes and defense, the  
4 same time, I assume?

5 MR. WILLIAMS: Well, Judge, I think the last time I  
6 didn't even use all of the time.

7 THE COURT: I know that. He may not use his either.

8 MR. ARMSTRONG: Correct.

9 MR. WILLIAMS: In lieu of that -- and I don't know if  
10 the Government used all of theirs last time. And I don't think  
11 there's very much else that's been presented from that last  
12 trial to this particular trial.

13 THE COURT: What's the suggestion of the defense?  
14 Joint time of the defense is?

15 MR. WILLIAMS: We can do whatever it was the last  
16 time. I think it was 40 minutes each. I think --

17 MR. LEWIS: It was.

18 MR. WILLIAMS: -- if I remember correctly.

19 MR. LEWIS: It was.

20 MR. WILLIAMS: And I think the Government had an hour  
21 total last time.

22 MR. LEWIS: It was.

23 THE COURT: All right. Let's see. So, the Defendant  
24 40 minutes and 40 minutes, right?

25 MR. WILLIAMS: Yes, sir, your Honor.

1 THE COURT: And that comes up to 80 minutes, correct?

2 MR. WILLIAMS: That's correct, your Honor.

3 THE COURT: And you suggest the Government remain at  
4 one hour, correct?

5 MR. WILLIAMS: Yes, sir, your Honor.

6 THE COURT: All right. What I'll do, the Defendant --  
7 each Defendant -- are you going to combine this or -- that's  
8 each of you, if I remember.

9 MR. WILLIAMS: Yeah.

10 THE COURT: This one, you got to take 40 and 40.

11 MR. LEWIS: Well, actually, last time, Judge, it's my  
12 understanding that we were given the block amount of time; and  
13 we could use it, you know, however way that we needed to as long  
14 as we stayed within that amount of time.

15 MR. WILLIAMS: Total time.

16 THE COURT: All right. The defense then will have --  
17 will have 120 -- no, 80.

18 MR. WILLIAMS: Yes.

19 THE COURT: It will be 80 minutes.

20 MR. LEWIS: Okay.

21 THE COURT: And the Government will have 75.

22 MR. HELFMEYER: Thank you, your Honor.

23 THE COURT: We'll give you the 75.

24 MR. ARMSTRONG: Thank you, Judge.

25 THE COURT: All right. Hang on. Let's -- I can do



1 the bookkeeping.

2                   Ellen, first of all, we might as well get that  
3 cracking. Okay. You just need a cover sheet without the word  
4 "copy" on it or just put something across it.

5                   By the way, up at the top, it just shows a  
6 document -- just a Document 78. Anybody have a problem with  
7 that?

8                   MR. WILLIAMS: Document as to the jury charge?

9                   MR. LEWIS: Jury charge?

10                  THE COURT: Jury charge.

11                  Any objection by the Government?

12                  MR. ARMSTRONG: No, your Honor.

13                  THE COURT: Any objection by the defense?

14                  MR. LEWIS: No.

15                  MR. WILLIAMS: No.

16                  THE COURT: All right. Then, with that same  
17 notation --

18                  Ellen, at the top.

19                  By the way, it's no problem because this is when  
20 it was originally filed; but it does state 2-06-18. That should  
21 have no aspect whatsoever.

22                  Any objection by -- now by the Government?

23                  MR. ARMSTRONG: Your Honor, just to confirm, I believe  
24 this is the second set of jury instructions that we filed, the  
25 final one. The first one --

1 THE COURT: This is the final one that is going. The  
2 final one that's going does have that final notation on the top.

3 Any objection by the Government?

4 MR. ARMSTRONG: No, your Honor.

5 THE COURT: Any objection by the defense?

6 MR. WILLIAMS: No, your Honor.

7 MR. LEWIS: No, your Honor.

8 THE COURT: Okay. So, no objection then to the  
9 inclusion of that. And we can get them running the same number  
10 that we have.

11 Let's get the jury out here. I'm going to give  
12 them what -- they can take a lunch break at this time. They're  
13 going to be all pleased anyhow as far as that it's getting  
14 wrapped up. And so, you can, also. It's now, let's say, 11:30.

15 We've heard the same objections. A ruling has  
16 been made. So, we're there. This is the final form. I'm  
17 talking with my staff, also.

18 What time do you think we ought to have them back  
19 because running the copies and then -- what do you think, Ellen,  
20 quarter to 1:00 or 1:00?

21 (Side-bar discussion off the record between the Court and  
22 the case manager.)

23 THE COURT: We're going to get the jury back at 1:00  
24 o'clock. All right. So -- and then, we'll have a few  
25 additional instructions that we want to talk about.

1 MR. WILLIAMS: Yes, sir, your Honor.

2 Your Honor, in terms of once they get back, I'm  
3 assuming that the Court will read the particular charge, the  
4 Government goes. Is there a break somewhere in there, Judge,  
5 because that's a long time?

6 THE COURT: Yeah, we'll do that. We'll do that  
7 ourselves. We will do that. Let's get the jury in and Ellen  
8 can start this -- the mechanics going; and we'll talk about that  
9 as soon as you get back as far as the time, when do you want  
10 your notices and breaks, okay?

11 Let's call the jury back in.

12 Mr. Williams, I'm going to ask you, again, of  
13 course, like I did, do you desire to call any witnesses; and  
14 you'll announce it; and then, I'll announce that the case is  
15 over.

16 MR. WILLIAMS: Yes, sir, your Honor.

17 THE COURT: All right. Let the record reflect that  
18 the attorneys have also taken a look at all the names in the  
19 green box.

20 MR. ARMSTRONG: Are you going to pull the names now?

21 THE COURT: Pardon me?

22 MR. ARMSTRONG: Are you going to pull the names now?

23 THE COURT: No. After everything is argued. But no,  
24 if you want to look at them, make sure that they're there; and  
25 you can see me during your closing that I'll be going through

1 every one again. So, it's a triple check.

2 MR. ARMSTRONG: Thank you, your Honor.

3 THE COURT SECURITY OFFICER: All rise for the jury.

4 (The jury was brought into the courtroom at 11:30 a.m.)

5 THE COURT: Be seated.

6 All right. Now, at this time, I ask  
7 Mr. Williams, Mr. Williams, do you elect and does your client  
8 elect to put on any additional witnesses in this case?

9 MR. WILLIAMS: No, your Honor, we do not.

10 THE COURT: All right.

11 So, ladies and gentlemen, the case is done. We  
12 are going -- going -- not right at the moment. Every case that  
13 goes to a jury goes on a set of instructions and questions.  
14 This is the draft. This is it, okay? I've gone over it with  
15 the attorneys. We're going to go over it briefly again, and I'm  
16 going to set the time limits. Then, Ellen has to run one copy  
17 for each one of you. You'll have a copy of this to read as we  
18 get back.

19 The attorneys have requested, and I've granted  
20 the following time for them to sum up. So, first of all, I need  
21 to read this. It goes quicker than it looks because a lot of  
22 the pages have -- are short; and it's all in 14-point type,  
23 double spaced. So it takes me, I would say, about -- oh, about  
24 a minute a page.

25 So, what we're going to do when we get back in,

1 you'll get in, you'll have these in front of you. I will read  
2 it, which I'm required to do; and you'll follow along. Then,  
3 the Government will open its case, open their summation.  
4 They've got the burden of proof. So, what we're going to do,  
5 they're going to use -- I gave them 75 minutes and a total of 80  
6 minutes to the defense total; and they can split it up like they  
7 need to.

8                   So, I read it. Then, the Government goes. And  
9 they'll probably reserve some time. So, if they have 75  
10 minutes, they may talk to you for an hour and reserve that 15  
11 minutes to wrap up because they have the right to go last as  
12 well as going first.

13                   Then, we'll hear from both Defendants, the  
14 defense counsel; and they'll visit with you as to their  
15 interpretation and discuss the charge with you and review the  
16 evidence. Then, we'll wrap it up with the Government.

17                   We're going to have to do some academics here;  
18 and also, you need a lunch break. So, what we're going to do is  
19 this: We're going to take a break right now, and I'm working  
20 with the attorneys on any comments they have to this; then, the  
21 ability to run all the copies and have it ready for you and,  
22 also, the schedule.

23                   More than likely, I will read it to you. We'll  
24 hear the Government's opening and then pause for a short break.  
25 Then, we'll hear all the defense case and then whatever few

1 minutes they have to wrap up. Then, you will have the case for  
2 your decision.

3                   So, I want to thank everybody for working  
4 together; and we got this working. So, as far as the jury is  
5 concerned, we will see you back ready to resume at 1:00 p.m.  
6 when we will -- we will commence the closing arguments in the  
7 case.

8                   Thank you and we'll see you at that time.

9                   THE COURT SECURITY OFFICER: All rise for the jury.  
10                  (The jury recessed at 11:33 a.m.)

11                  THE COURT: All right. Government, you got 75  
12 minutes. When do you want your first and only notice on your  
13 opening, after how much time has gone passed?

14                  MR. HELFMEYER: 45 minutes, your Honor.

15                  THE COURT: Okay. 45 minutes gone.

16                  Now, as far as the defense goes, you'll get two  
17 notices. The first one after how much time has gone passed?

18                  MR. WILLIAMS: 30 minutes, Judge.

19                  THE COURT: Okay. And on your -- whoever is up, what  
20 notice do you want before you have to sit down, how much time  
21 left, how many few minutes left and then sit down?

22                  MR. WILLIAMS: Probably -- well, let's rearrange that,  
23 Judge -- well, that's fine. 30 minutes and then a two-minute  
24 warning, that's fine.

25                  THE COURT: Okay. And then, two minutes left.

1 MR. LEWIS: Yeah.

2 THE COURT: All right. On your last go-round with the  
3 Government, you get one notice after how much time you have  
4 left?

5 MR. ARMSTRONG: At the two-minute warning, your Honor.

6 THE COURT: Okay. All right. We got the case moving  
7 along. We have 75 minutes there, and we have 80 minutes on this  
8 end. All right.

9 Ellen, is there anything else we need? I think  
10 we've covered everything.

11 All right. Thanks for your work on it. We'll  
12 see you back ready to go at 1:00 p.m. We stand adjourned.

13 I'm going to sit up here and do a little bit of  
14 book work for about one minute; and then, I'll be out of here.

15 (Court recessed at 11:36 a.m.)

16 (Court resumed at 1:24 p.m.; jury not present.)

17 THE COURT: Okay. I understand we have some matters  
18 to discuss. We have an objection to the jury instructions since  
19 it's got that wording across the top; and we've already run,  
20 what, how many pages is it?

21 All right. If we have to rerun them again, we'll  
22 -- we'll do it; but that will throw us behind and probably not  
23 be able to have any kind of deliberation or anything today; but  
24 we're glad to do it if we have to.

25 So, we have an objection -- in effect, you want

1 to state the objection? It's, basically, what we talked about,  
2 that there's some sort of a header from the prior -- from the  
3 prior -- it's not even a header from the prior case.

4                   It just says when the jury instructions were put  
5 online which was February 6, 2018. So, we stand ready to redo  
6 the whole pack; but it will throw us back another hour.

7                   MR. LEWIS: Judge, I think I was probably the primary  
8 reason for creating this problem; but it was brought to my  
9 attention, after reviewing the record, that that was addressed  
10 prior to us breaking; and at that time, I clearly stated I  
11 didn't have any issues with that being there.

12                  THE COURT: But now you do?

13                  MR. LEWIS: No, I do not. I'm going to withdraw my  
14 objection.

15                  THE COURT: Withdraw it? Okay, fine. Then, we're  
16 ready to go.

17                  Ellen.

18                  (Side-bar discussion off the record between the Court and  
19 the case manager.)

20                  THE COURT: All right. The other thing is we have one  
21 guy -- one of the jurors is under the weather, but he's doing  
22 okay, doing okay.

23                  The other thing is -- you may be seated -- it was  
24 reported to the case manager -- and I have -- I don't have too  
25 much details that -- and I'm not saying which juror it is, male,



1 female, or whatever, okay? One of the jurors who had not  
2 discussed this with anyone except with one CSO at one point  
3 stated when he or she got on the elevator yesterday to depart  
4 that one of the agents got on the elevator with her and was --  
5 tried to engage in just some sort of chitchat and then,  
6 apparently, was -- according to what we hear, kind of followed  
7 the juror out of the courthouse.

8                   And the juror said if the agent had come in after  
9 the person when she got into the parking garage, she would have  
10 come around and reported it, in other words, that she was being  
11 tailed. That's all I know.

12                   So, what's your suggestion on handling this  
13 matter?

14                   MR. ARMSTRONG: Your Honor, are you referring to a  
15 Government agent or a defense agent?

16                   THE COURT: Government. That's how it was related to  
17 me. I haven't taken any testimony or whatever, but that's all I  
18 hear. They mentioned it to my case manager who brought it to  
19 me.

20                   It's always something in the business we're in,  
21 isn't it? Always something.

22                   What's the Government's position?

23                   MR. ARMSTRONG: Your Honor, I've never encountered  
24 this kind of issue before.

25                   THE COURT: I've encountered all sorts of stuff over

1 the years.

2 MR. ARMSTRONG: I'm trying to think as fast as I can.

3 We would propose maybe that juror be one of the  
4 alternates since no one knows who it is.

5 MR. WILLIAMS: It depends on who it is, Judge.

6 THE COURT: I'm not going to say who it is because the  
7 facts are what they are.

8 MR. WILLIAMS: I understand. I think the juror should  
9 be taken on voir dire by the Court as to if that's going to  
10 affect what she's doing here today, Judge.

11 THE COURT: Well, I --

12 MR. WILLIAMS: I think we should bring her out and ask  
13 her about the particular episode, and let's figure out what it  
14 is, and let's get to the bottom of it.

15 THE COURT: All right.

16 MR. LEWIS: I would like to know more on behalf of  
17 Defendant Craig about what happened in that interaction.

18 THE COURT: Do you want to see whether or not any of  
19 your agents were the guy that they were referring to?

20 MR. ARMSTRONG: If the Court would give us a minute.

21 THE COURT: Yeah. I'll sit right here.

22 I think it might have been some of your agents  
23 across the back.

24 MR. WILLIAMS: That's consistent with the testimony.

25 THE COURT: Pardon me?

1 MR. WILLIAMS: Withdraw that, Judge.

2 THE COURT: Hey, all we're doing is making an inquiry.  
3 Mr. Armstrong.

4 MR. ARMSTRONG: Thank you, your Honor. After  
5 conferring with the agent, he relayed to me what he said  
6 happened. I think --

7 MR. WILLIAMS: And Judge --

8 THE COURT: Hold it. Wait a second. No. I need to  
9 hear this.

10 MR. ARMSTRONG: I think that if the route we're going  
11 to go is to make an inquiry, it should be done in camera by the  
12 Court.

13 THE COURT: I'm not doing it in camera. I never do it  
14 in camera. I don't think that's right. This is an open court.

15 MR. ARMSTRONG: Okay. Well, then, we would first  
16 request that this juror be struck as one of the alternates and,  
17 if not, then to make an inquiry.

18 THE COURT: All right.

19 What's your position?

20 MR. WILLIAMS: I would still like to have more  
21 information from the particular juror to see if it's going to  
22 affect her deliberations -- him or her, deliberations in terms  
23 of what's going on; and then, I would like to hear from the  
24 particular agent, too, Judge, because there's always two sides  
25 to the story.

## Armour - Examination/by the Court

1 THE COURT: All right. Get the agent up here, please.  
2 We'll do that first.

3 MR. ARMSTRONG: Mr. Armour.

4 THE COURT: Sir, raise your right hand to be sworn.

5 (The witness, **ANTHONY ARMOUR**, was sworn.)

6 **EXAMINATION**

7 THE COURT: Please have a seat.

8 All right. State your name, sir.

9 SPECIAL AGENT ANTHONY ARMOUR: Anthony Armour.

10 THE COURT: How do you spell it?

11 SPECIAL AGENT ANTHONY ARMOUR: A-n-t-h-o-n-y,  
12 A-r-m-o-u-r.

13 THE COURT: Were you the agent that visited with -- at  
14 least had a -- intersected with this juror at one point?

15 SPECIAL AGENT ANTHONY ARMOUR: Yes, Judge.

16 THE COURT: What went on?

17 SPECIAL AGENT ANTHONY ARMOUR: So, as I was leaving,  
18 she caught the elevator; and I was there, also. So, I caught  
19 the elevator with her. As we were leaving and going downstairs,  
20 I made a comment, "It's been a long day"; and she said -- what  
21 did she say? She said, "It has been a long day"; and she said,  
22 "But I'm alert"; and that was the extent of the conversation.

23 THE COURT: That was it?

24 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

25 THE COURT: All right. Did you follow her out of the

## Armour - Examination/by the Court

1 building?

2 SPECIAL AGENT ANTHONY ARMOUR: As we were leaving  
3 outside the building, she left. She made the right as she was  
4 leaving the courthouse -- or the courthouse. I went to go get  
5 my gun; and as I was leaving, she was in front of me.

6 THE COURT: I don't understand. In other words, the  
7 elevator opens and you went to get your gun?

8 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

9 THE COURT: Where is that, downstairs?

10 SPECIAL AGENT ANTHONY ARMOUR: Downstairs to the right  
11 as you're exiting the building.

12 THE COURT: Right, correct.

13 SPECIAL AGENT ANTHONY ARMOUR: And she was already  
14 exiting.

15 THE COURT: Okay.

16 SPECIAL AGENT ANTHONY ARMOUR: So, when I leave, after  
17 I retrieve my gun and after I leave the courthouse, sir, I'm  
18 walking behind her; but I'm, at least, like, 20 feet behind her.

19 THE COURT: All right.

20 SPECIAL AGENT ANTHONY ARMOUR: And that was it.

21 THE COURT: Well, did she go into -- into a parking  
22 garage?

23 SPECIAL AGENT ANTHONY ARMOUR: I don't know where she  
24 went. I didn't follow her.

25 THE COURT: How far behind her were you at any time?

## Armour - Examination/Armstrong/Williams

1           SPECIAL AGENT ANTHONY ARMOUR: Probably 15, 20 feet at  
2 the max.

3           THE COURT: And that was the only interaction you had  
4 in the elevator and the outside? You went to get your gun. So,  
5 you were that amount of time behind her, correct?

6           SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

7           THE COURT: All right.

8                   Questions, Government?

9                           **EXAMINATION**

10           MR. ARMSTRONG: So, Mr. Armour, it's your  
11 understanding that after you exited the elevator, how long were  
12 you getting your gun for?

13           SPECIAL AGENT ANTHONY ARMOUR: Less than a minute.

14           MR. ARMSTRONG: Okay. And she hadn't left yet. And  
15 she walked out and you walked out?

16           SPECIAL AGENT ANTHONY ARMOUR: She was already walking  
17 out as I was going to get my gun.

18           MR. ARMSTRONG: No further questions, your Honor.

19           SPECIAL AGENT ANTHONY ARMOUR: Anything further?

20                           **EXAMINATION**

21           MR. WILLIAMS: Were you aware that this person was on  
22 this jury?

23           SPECIAL AGENT ANTHONY ARMOUR: Yes.

24           MR. WILLIAMS: How long have you been a DEA agent?

25           SPECIAL AGENT ANTHONY ARMOUR: 14 years, sir.

1 MR. WILLIAMS: And you're aware of the rules in not  
2 engaging the particular jurors, are you not?

3 SPECIAL AGENT ANTHONY ARMOUR: I don't believe that  
4 was a particular rule not to engage in the juror.

5 MR. WILLIAMS: Okay. All right. And just for  
6 clarification purposes, when she got off the elevator, she left  
7 the particular building, did she not?

8 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

9 MR. WILLIAMS: Okay. And while she was leaving the  
10 building, you were detained briefly enough to get your gun; is  
11 that correct?

12 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

13 MR. WILLIAMS: All right. And it's your testimony now  
14 that you were only 20 feet behind her after waiting a minute  
15 while she's walking to her car? Is that the testimony?

16 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir. I have to  
17 retrieve my weapon and then sign out, yes, sir.

18 MR. WILLIAMS: Okay. All right.

19 No further questions, Judge.

20 Well, let me ask you this: Can you identify who  
21 the juror was?

22 THE COURT: I'll take care of that.

23 MR. WILLIAMS: Okay.

24 THE COURT: I'll take care of that.

25 MR. WILLIAMS: All right.

## Armour - Examination/Lewis

1 THE COURT: Counsel, Mr. Lewis?

2 **EXAMINATION**

3 MR. LEWIS: Mr. Armour, I'm Don Lewis. I think you  
4 know who I am, right?

5 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

6 MR. LEWIS: How fast was this juror walking?

7 SPECIAL AGENT ANTHONY ARMOUR: Normal speed.

8 MR. LEWIS: And while she was walking normal speed,  
9 you went -- you went inside to retrieve your weapon?

10 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

11 MR. LEWIS: And about -- about -- it took you about a  
12 minute in order for you to do that?

13 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

14 MR. LEWIS: And she only gained a distance of 20 feet  
15 between the two of you during the time that that happened?

16 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

17 MR. LEWIS: Do you know whether or not this juror  
18 stopped or slowed down or something detained her before you  
19 actually retrieved your weapon and started to walk behind her?

20 SPECIAL AGENT ANTHONY ARMOUR: I don't know, sir. I  
21 wasn't paying attention.

22 MR. LEWIS: Mr. Armour, were you an agent that's been  
23 involved in the investigation of the Gulfton clinic?

24 SPECIAL AGENT ANTHONY ARMOUR: Yes, sir.

25 MR. LEWIS: And what was your involvement?



1           SPECIAL AGENT ANTHONY ARMOUR: I assisted in all  
2 surveillance.

3           MR. LEWIS: So, as a DEA agent and as someone in  
4 court, you were aware that jurors were not supposed to be  
5 approached by anyone connected to this case?

6           SPECIAL AGENT ANTHONY ARMOUR: I didn't approach her,  
7 sir.

8           MR. LEWIS: Did she say anything to you other than  
9 what you've said here?

10          SPECIAL AGENT ANTHONY ARMOUR: She said -- I'm trying  
11 to remember -- that it's been a long day and that she was -- she  
12 was alert.

13          MR. LEWIS: Nothing further.

14          THE COURT: All right.

15                 Thank you, sir. You may step down. You can stay  
16 in the room.

17                 I'm just looking back at the instructions I give  
18 to every juror. It says, first of all, we don't -- let's see.  
19 We do not desire that you decide who you like and who you  
20 dislike and try to decide the case accordingly; therefore, you  
21 will have no contact with anyone related to this case. This  
22 includes the attorneys, the parties, and the witnesses. You may  
23 say good morning or good afternoon to them as you pass them in  
24 the hall, but you may say nothing further. You certainly will  
25 not accept from nor extend to anyone related to this case any

1 favors, however slight.

2                   Those were the instructions. I give it to every  
3 single jury. You still want to call the juror out?

4                   MR. ARMSTRONG: Your Honor, we would still move to use  
5 one of the alternate positions for this juror. It, obviously,  
6 bothered her enough to contact the case manager; and we would  
7 have significant concerns about her impartiality going forward.

8                   THE COURT: Meaning what? You think she would be  
9 leaning which way, at least, your perception?

10                  MR. ARMSTRONG: Our perception is that this incident  
11 may have swayed her ability to fairly and accurately and  
12 impartially look at the evidence.

13                  THE COURT: All right.

14                               Defense?

15                  MR. WILLIAMS: I would like to hear from her, your  
16 Honor. We don't know who it is. This jury makeup, there are 14  
17 particular members of this makeup. There are two  
18 African-Americans. If it's an African-American that was  
19 approached, Judge, it would unfairly imbalance the makeup of  
20 this particular jury as it relates to African-Americans on the  
21 particular jury.

22                  THE COURT: All right. Let's call --

23                  MR. WILLIAMS: I think that would be with Batson,  
24 Judge.

25                  THE COURT: I understand that. I've written articles

## A Juror - Examination/by the Court

1 on that.

2 MR. WILLIAMS: I understand. I understand.

3 THE COURT: Let's call the juror in.

4 MR. ARMSTRONG: And your Honor, you'll do the  
5 questioning?

6 THE COURT: I'll do the questioning. I'll then -- I  
7 may probably turn it over to -- I'm going to do the questioning.

8 (A juror was brought into the courtroom.)

9 MR. WILLIAMS: Just what I thought.

10 **EXAMINATION**

11 THE COURT: Yes, ma'am, okay. How are you? Now, you  
12 see -- now, you see -- every one is here. We just want to visit  
13 with you a little bit.

14 A JUROR: Okay.

15 THE COURT: State your name, if you would, for the  
16 record.

17 A JUROR: [REDACTED].

18 THE COURT: [REDACTED], did you have any interaction,  
19 however slight, with anyone related to this case yesterday?

20 A JUROR: Yes, sir, I think so.

21 THE COURT: You think so?

22 A JUROR: Yes, sir, I do. I did.

23 THE COURT: I mean, yeah, it was reported that, at  
24 least, you did.

25 A JUROR: I did.

## A Juror - Examination/by the Court

1 THE COURT: Give us your scenario of what happened  
2 completely.

3 A JUROR: Well --

4 THE COURT: No, forget it. You're not accused of  
5 anything. We just need to know.

6 A JUROR: When I left -- you dismissed us yesterday,  
7 everybody went ahead and went; and I went to the ladies'  
8 restroom right here. And so, everybody else had walked out.  
9 So, I was rushing trying to get out; and as I was walking down  
10 the aisle -- I didn't really turn and look this way because I  
11 just didn't want to look that way.

12 But I saw a little glimpse out of my eye. I saw  
13 someone with a light blue shirt, and I think they were sitting  
14 down, but I sort of rushed and went on to the elevator. And  
15 that person got up, came behind me, and got in the elevator with  
16 me.

17 And then, he leaned up -- I was on one side and  
18 he was on the other side. He leaned up and he says -- to get it  
19 straight, he said, "These are some very long days, aren't they?"  
20 I looked at him and I said, "Well, you've been here as long as I  
21 have, the same amount of time that I have." And then, he  
22 laughed and he said something like "It's been hard for me to  
23 stay awake, huh?" And I said, "No, that's not my problem."

24 And then, I rushed out of the elevator and got to  
25 the door. He was still behind me. So, I felt -- I felt

## A Juror - Examination/by the Court

1 uncomfortable. So, then, I just sort of said, "You can go ahead  
2 in front of me"; and so, I just act like I was looking in my  
3 purse for something; and then, he went through another door. I  
4 didn't really look, but I thought he was gone.

5 But once I went through the glass doors -- and I  
6 could hear somebody coming from behind and I turned around and I  
7 looked and I was like, "Huh." So, then, I said, "When I go to  
8 my car, if he follows me, then I'm going to turn right back  
9 around and come in here." I just felt uncomfortable. But he  
10 kept walking straight.

11 I don't know if that meant anything or not; but I  
12 didn't give him the opportunity to, you know --

13 THE COURT: Let me ask you this: Looking back on  
14 this, does it mean anything to you, positive or negative? By  
15 the way, only you know this.

16 A JUROR: Yes, only me knows this.

17 THE COURT: Only you know this.

18 A JUROR: Right.

19 THE COURT: And you know him to be an agent on the  
20 Government's side.

21 A JUROR: Right.

22 THE COURT: Only you know this. There's no right  
23 answer or wrong answer. We just need to know.

24 A JUROR: Huh. I just felt uncomfortable about it,  
25 you know. But what was your question?

## A Juror - Examination/by the Court

1 THE COURT: I say only you know.

2 A JUROR: And you said do I look at it as being a  
3 what?

4 THE COURT: I forgot what.

5 A JUROR: A positive or a negative?

6 THE COURT: Yeah. In other words, as far as this case  
7 goes. You know, you were selected because you were able to call  
8 it right down the center. Now, you've had some interaction, an  
9 uncomfortable interaction, you believe, with someone who is  
10 aligned --

11 A JUROR: Right.

12 THE COURT: -- with the Government's side of the case.

13 A JUROR: Right. I don't think that will influence me  
14 at all.

15 THE COURT: You don't think?

16 A JUROR: I know that won't influence me at all.

17 THE COURT: Why not?

18 A JUROR: Because I'm able to discern based upon what  
19 was presented here today; and I have -- I don't know what that  
20 person's intentions were; but I know what my intentions were is  
21 not to, you know, jeopardize this case in any way. So, I'm  
22 pretty -- I'm hundred percent certain that it has no effect on  
23 me. I just felt a little uncomfortable, you know, leaving and  
24 someone was walking behind me, you know, and all my other peers  
25 were gone.

## A Juror - Examination/Williams/by the Court

1 THE COURT: Any questions?

2 MR. ARMSTRONG: No, your Honor.

3 THE COURT: Defense?

4 **EXAMINATION**

5 MR. WILLIAMS: So, ma'am, am I hearing from you that  
6 this incident wouldn't sway your deliberations one way or the  
7 other if you still were on this jury?

8 A JUROR: That's correct, it wouldn't sway it.

9 MR. WILLIAMS: No further questions.

10 MR. LEWIS: I have nothing.

11 **EXAMINATION**

12 THE COURT: Have you discussed this with anyone else  
13 except for my case manager and, I guess, the CSO, the Court  
14 Security Officer?

15 A JUROR: These two.

16 THE COURT: That's it? Nothing else?

17 A JUROR: Nothing else.

18 THE COURT: All right. Thank you, you can go back  
19 inside.

20 (The juror left the courtroom.)

21 THE COURT: All right. Anything from the Government?

22 MR. ARMSTRONG: No, your Honor.

23 THE COURT: Anything from the defense?

24 MR. WILLIAMS: Even though she says it's not bothering  
25 her, Judge, I just think it's improper. I think Government

1 agents have been in this courthouse forever. They know about  
2 the particular rules. They know not to communicate with people.  
3 They know that; and I think that, given some of the prior  
4 testimony here regarding agent's conduct, it's kind of in line  
5 with that.

6                   That just kind of bothers me. Whether it's going  
7 to affect where we are here or not and whether it's enough for  
8 -- to even move for a mistrial, I just can't say that sitting  
9 here right now; but it bothers me.

10               THE COURT: Well, you're going to have to because  
11 you're on the record.

12               MR. WILLIAMS: I understand, your Honor.

13               THE COURT: No. I'm not jumping you. I'm saying I  
14 understand what you're doing here. You're balancing it in your  
15 mind.

16               MR. WILLIAMS: Yes, sir.

17               THE COURT: I eventually -- all right. Let's see what  
18 Mr. Lewis says. We'll come back to you.

19               MR. WILLIAMS: Thank you, your Honor.

20               THE COURT: All right.

21               MR. LEWIS: I, too, am bothered and concerned about,  
22 especially in light of what the witness -- what the juror has  
23 just said as to how this happened because, even though we've  
24 heard what Special Agent Armour said, it don't -- it doesn't  
25 seem to align well with what this witness has said.



1                   And I am concerned about whether or not the  
2     conduct of the agent -- I'm concerned about the intention of the  
3     conduct of the agent, and I'm not sure that's sufficient for a  
4     mistrial, but I am very concerned about the conduct of the  
5     agent, especially in light of his training.

6                   THE COURT: You're going to have -- both sides, I  
7     understand that; but I'm going to stay on the defense side.

8                   You can be seated, counsel.

9                   I need -- I need your point to me. Then, I'll  
10    make the decision. Now, I've heard analysis from Mr. Williams,  
11    and I've heard analysis from Mr. Lewis. We need to get down to  
12    the bottom line as to what your position is; and then, I will  
13    rule.

14                  MR. WILLIAMS: Yes, sir, your Honor.

15                  Given the fact that this juror is of American --  
16    is an African-American juror, okay, and the fact that there are  
17    only two on this panel, okay, it -- I look at it as being a  
18    possible attempt to -- to alter the jury panel or intimidate  
19    people where she won't be there; and then, we have --

20                  THE COURT: Well, let the record reflect that the  
21    agent who took the stand was also of African-American descent.

22                  MR. WILLIAMS: Which I understand, okay. But in lieu  
23    of this jury -- being there are 14 jurors here who are in play  
24    and there are only two African-Americans, if she's intimidated  
25    enough to the point where she's off, then it imbalances the

1 effect of how the jury -- what the actual jury would actually  
2 hear in this particular case, Judge; and that's my particular  
3 concern. And because of that, I'd move for a mistrial.

4 THE COURT: All right.

5 Mr. Williams -- I mean, Mr. Lewis, what's your  
6 position?

7 MR. LEWIS: My position is Defendant Craig does not  
8 move for a mistrial.

9 THE COURT: Government?

10 MR. ARMSTRONG: Your Honor, I want the record to be  
11 clear that there is absolutely zero evidence of any bad faith or  
12 any intent to intimidate by the agent. I think that it is  
13 borderline improper to suggest that that happened. This is a  
14 small chitchat in an elevator. There is absolutely no reason  
15 for a mistrial, and there is absolutely no reason to slander a  
16 DEA agent.

17 MR. WILLIAMS: May I respond, Judge?

18 THE COURT: Yes, sir.

19 MR. WILLIAMS: I'm not slandering the DEA agent, okay.  
20 This is a veteran agent, okay. We all know the rules. We all  
21 know -- that's why they wear those badges, Judge. He's been in  
22 this courtroom for a week and a half. He knows not to have any  
23 communication with jurors other than good morning or good  
24 evening, okay. And that didn't happen. All right.

25 Now, whatever conversation it was, it was

1 improper, okay. Now, for him to characterize it as being  
2 slanderous, okay, it's offensive to me because I'm not being  
3 slanderous. I just want him to follow the rules that he knows,  
4 that he's aware of. That's all.

5 THE COURT: Well, the concern I have is we have one of  
6 the Defendants moving for a mistrial and the other one not  
7 moving for a mistrial.

8 So, your position?

9 MR. ARMSTRONG: We would oppose the motion, your  
10 Honor.

11 THE COURT: Why?

12 MR. ARMSTRONG: Your Honor, I don't believe that this  
13 rises to the level of affecting the fairness and integrity of  
14 the trial. The juror just testified that she can see the  
15 evidence fairly and impartially and that it would not affect her  
16 decision and her ability to weigh and evaluate the evidence that  
17 she's heard in this case.

18 THE COURT: All right.

19 Mr. Williams, do you want to respond to that?  
20 Fairness and effectiveness. He says no. And I gather you  
21 believe that it probably did or did.

22 MR. WILLIAMS: Well, it, obviously, had an effect on  
23 her to the point where she had to report it to somebody. It's  
24 an obvious concern for her, okay? And my position is still the  
25 same, Judge, in terms of we all know the rules. We have to

1 abide by the particular rules, okay. And obviously, that didn't  
2 happen.

3 THE COURT: Well, I assume then you feel it affected  
4 this one juror, her ability?

5 MR. WILLIAMS: Obviously, it did because, if it  
6 didn't, I don't think she would have brought it to anybody's  
7 attention.

8 THE COURT: All right. Have a seat.

9 Based upon the statements of the Government and  
10 both defense counsel, specifically, the concerns raised by  
11 Mr. Williams as to this one juror, this one juror is excused.

12 You'll thank her for her service, and she's  
13 excused.

14 And that's the ruling of the Court. We'll  
15 proceed now with 13 jurors; and then, we'll have the blind draw  
16 as to one.

17 We stand adjourned.

18 THE COURT SECURITY OFFICER: All rise.

19 (Court recessed at 1:50 p.m.)

20 (Court resumed at 2:14 p.m.)

21 THE COURT: Is it satisfactory just granted or  
22 overruled from the bench or do you want to come up here? I  
23 mean, let's put it -- let's put it this way: It's the matter we  
24 discussed before. A ruling was requested, okay. The motion is  
25 overruled.

1                   So, counsel, you got that in the record. If it's  
2 not sufficient, we can do it at the next break; but that was one  
3 ultimate ruling. I believe, what is it, Mr. Lewis had a motion  
4 on the floor, at least -- Mr. Williams, right. And so, the  
5 ruling has been made.

6                   All right. I will tell you what has been going  
7 on during the last half hour after the case is over. We will  
8 move on, and we're going to move on, and we're going to start  
9 reading this.

10                  You have in front of you the jury instructions.  
11 The original one is right here where I have the blue back on it.  
12 This is what the presiding juror will sign when you reach a  
13 unanimous verdict. You can mark all of those up and take them  
14 with you at the end of the trial but not tonight. If you hold  
15 over tonight, you're not to take those with you. But you can  
16 mark them up; and then, you can take them home with you.

17                  So, you heard me say during the trial on a number  
18 of occasions, you know, speed up, slow down, slow down.  
19 Occasionally, I'll pick the pace up a little bit because, in the  
20 bottom line, you've got a copy; and the court reporter has a  
21 copy of what I'm reading.

22                  Occasionally, I'll put a little explanation in;  
23 but more than likely, I'll just read everything that we have  
24 here. So, with that, you know, I learned a long time ago, they  
25 said, "Well, how do you eat an elephant?" "One bite at a time."

1 So, we'll take a look at this. It will move quickly, and I'll  
2 read right along with it.

3 **CHARGE OF THE COURT**

4 THE COURT: In any jury trial, there are, in effect,  
5 two judges. I'm one of the judges; the other is the jury. It  
6 is my duty to preside over the trial and to decide what evidence  
7 is proper for your consideration. It's also my duty at the end  
8 of the trial to explain to you the rules of law that you must  
9 follow and apply in arriving at your verdict.

10 First, I'll give you some general instructions  
11 which apply in every case, for example, instructions about  
12 burden of proof and how to judge the believability of witnesses.  
13 Then, I'll give you some specific instructions -- specific rules  
14 of law about how this particular case -- about this particular  
15 case; and finally, I'll explain to you the procedures that you  
16 should follow in your deliberation.

17 You, as jurors, are the judges of the facts; but  
18 in determining what actually happened, that is, in reaching your  
19 decision as to the facts, it's your sworn duty to follow all of  
20 the rules of law as I explained them to you. You have no right  
21 to disregard or give special attention to any one instruction or  
22 to question the wisdom or correctness of any rule I may state to  
23 you. You must not substitute or follow your own notion or  
24 opinion as to what the law is or ought to be.

25 It's your duty to apply the law as I explain it

1 to you regardless of the consequences. It's also your duty to  
2 base your verdict solely upon the evidence without prejudice or  
3 sympathy. That was the promise you made and the oath that you  
4 took before being accepted by the parties as jurors, and they  
5 have the right to expect nothing less.

6           The indictment or formal charge against the  
7 Defendant is not evidence of guilt. Indeed, a Defendant is  
8 presumed by the law to be innocent. The Defendant begins with a  
9 clean slate. The law does not require a Defendant to prove his  
10 or her innocence or produce any evidence at all. And no  
11 inference whatsoever may be drawn from the election of a  
12 Defendant not to testify.

13           The Government has the burden of proving each  
14 Defendant's guilt beyond a reasonable doubt; and if it fails to,  
15 you must acquit the Defendant. While the Government's burden is  
16 a strict or heavy burden, it's not necessary that a Defendant's  
17 guilt be proved beyond all possible doubt. It is only required  
18 that a Government -- that the Government's proof exclude any  
19 reasonable doubt concerning a Defendant's guilt.

20           A reasonable doubt is a doubt based upon reason  
21 and common sense after careful and impartial consideration of  
22 all the evidence in the case. Proof beyond a reasonable doubt,  
23 therefore, is proof of such a convincing character that you  
24 would be willing to rely and act upon it without hesitation in  
25 making the most important decisions of your own affairs.

1                   As I told you earlier, it's your duty to  
2 determine the facts. To do so, you must consider only the  
3 evidence presented during the trial. Evidence is the sworn  
4 testimony of the witnesses and the exhibits. The questions,  
5 statements, objections, and arguments made by the lawyers are  
6 not evidence.

7                   The function of the lawyers is to point out those  
8 things that are most significant or most helpful to their side  
9 and in so doing to call your attention to certain facts or  
10 inferences that might, otherwise, escape your notice. In the  
11 final analysis, however, it's your own recollection and  
12 interpretation of the evidence that controls in the case.

13                  What the lawyers say is not binding upon you.  
14 During the trial, I sustained objections to certain questions  
15 and exhibits. You must disregard those questions and exhibits  
16 entirely. Do not speculate as to what the witness would have  
17 said if permitted to answer the question or as to the contents  
18 of an exhibit.

19                  Also, certain testimony or other evidence has  
20 been ordered removed from the record; and you've been instructed  
21 to disregard that evidence. Do not consider any testimony or  
22 other evidence that has been removed from your consideration in  
23 reaching your decision. Your verdict must be based solely on  
24 the legally admissible evidence and testimony.

25                  Also, do not assume from anything that I may have



1 done or said during the trial that I have any opinion concerning  
2 any of the issues in this case. Except for the instructions to  
3 you on the law, you should disregard anything I may have said  
4 during the trial in arriving at your own verdict.

5           In considering the evidence, you are permitted to  
6 draw such inferences from the testimony and exhibits as you feel  
7 are justified in the light of common experience. As you note  
8 the heading here, this is direct -- discussion of direct and  
9 circumstantial evidence. In other words, you may make  
10 deductions and reach conclusions that reason and common sense  
11 lead you to draw from the facts that have been established by  
12 the evidence.

13           Do not be concerned about whether evidence is  
14 direct evidence or circumstantial evidence. You should consider  
15 and weigh all of the evidence that was presented to you. Direct  
16 evidence is the testimony of one who asserts actual knowledge of  
17 a fact, such as an eyewitness. Circumstantial evidence is proof  
18 of a chain of events and circumstances indicating that something  
19 is or is not a fact.

20           The law makes no distinction between the weight  
21 to be given either to circumstantial or direct evidence. The  
22 law requires that you, after weighing all of the evidence,  
23 whether direct or circumstantial, be convinced of the guilt of  
24 the Defendant beyond a reasonable doubt before you can find him  
25 or her guilty.

1                   I remind you that it's your job to decide whether  
2 the Government has proven the guilt of a Defendant beyond a  
3 reasonable doubt. In doing so, you must consider all of the  
4 evidence. This does not mean, however, that you must accept all  
5 of the evidence as true or accurate. You are the sole judges of  
6 the credibility or believability of each witness and the weight  
7 to be given to the witness's testimony.

8                   An important part of your job will be to make  
9 judgments about the testimony of the witness, including the  
10 Defendant Gazelle Craig who testified in this case. You should  
11 decide whether you believe all, some, part, or none of what each  
12 person had to say and how important their testimony was.

13                  In making that decision, I suggest that you ask  
14 yourself a few questions: Did the witness impress you as  
15 honest? Did the witness have any particular reason not to tell  
16 the truth? Did the witness have a personal interest in the  
17 outcome of the case? Did the witness have any relationship with  
18 either the Government or the defense? Did the witness seem to  
19 have a good memory? Did the witness clearly see or hear the  
20 things about which he or she testified? Did the witness have  
21 the opportunity and ability to understand the questions clearly  
22 and answer them directly? Did the witness's testimony differ  
23 from the testimony of other witnesses? These are a few of the  
24 considerations that will help you to determine the accuracy of  
25 what each witness had to say.

1                   The testimony of Defendant Gazelle Craig should  
2 be weighed and her credibility evaluated in the same way as that  
3 of other witnesses -- or of other -- of any other witness. Your  
4 job is to think about the testimony of each witness you have  
5 heard and decide how much you believe of what each witness had  
6 to say.

7                   In making up your mind and reaching a verdict, do  
8 not make any decisions simply because there were more witnesses  
9 on one side than the other. Do not reach a conclusion on a  
10 particular point just because there were more witnesses  
11 testifying for one side or the other on that point. You will  
12 always bear in mind that the law never imposes upon a Defendant  
13 in a criminal case the burden or duty of calling any witnesses  
14 or producing any evidence.

15                  You've been told that the witness Davis Webster  
16 was convicted in 1994 -- 1994 of aggravated assault with a  
17 deadly weapon and in 2016 of conspiracy to unlawfully distribute  
18 controlled substances. A conviction is a factor you may  
19 consider in deciding whether to believe that witness, but it  
20 does not necessarily destroy the witness's credibility. It has  
21 been brought to your attention only because you may wish to  
22 consider it when you decide whether you believe the witness's  
23 testimony. It's not evidence of anything else.

24                  In this case, the Government called as one of its  
25 witnesses an individual, Davis Webster, with whom the Government

1 has entered a plea agreement. This agreement provides, among  
2 other things, for a non-binding recommendation for a favorable  
3 sentence. Such plea bargaining, as it is called, has been  
4 approved as lawful and proper and is expressly provided for in  
5 the rules of this Court. An individual who has entered into a  
6 plea agreement with the Government is not prohibited from  
7 testifying.

8                   On the contrary, the testimony of such a witness  
9 may alone be of sufficient weight to sustain a verdict of  
10 guilty. You should keep in mind that such testimony is always  
11 to be received with caution and weighed with great care. You  
12 should never convict a Defendant upon the unsupported testimony  
13 of such a witness unless you believe that testimony beyond a  
14 reasonable doubt.

15                   The fact that an individual has entered a plea of  
16 guilty to the offense charged or was convicted of the offense  
17 charged is not evidence of the guilt of any other person and  
18 should not be considered as evidence of a Defendant's guilt.

19                   The testimony of an alleged accomplice and/or the  
20 testimony of one who provides evidence against the Defendant as  
21 an informer for pay, for immunity from punishment, or for  
22 personal advantage or vindication must always be examined and  
23 weighed by the jury with greater care and caution than the  
24 testimony of ordinary witnesses.

25                   You, the jury, must decide whether the witness's

1 testimony has been affected by these circumstances, by the  
2 witness's interest in the outcome of the case, by prejudice  
3 against the Defendant, or by the benefit that the witness has  
4 received either financially or as a result of being immunized  
5 from prosecution.

6                   You should keep in mind that such testimony is  
7 always to be received with caution and weighed with great care,  
8 and you should never convict any Defendant upon the unsupported  
9 testimony of such a witness unless you believe that testimony  
10 beyond a reasonable doubt.

11                   You will note that the indictment charges that  
12 the defense -- that the offense was committed on or about a  
13 certain specified date. The Government does not have to prove  
14 that the crime was committed on the exact date so long as the  
15 Government proves beyond a reasonable doubt that a Defendant --  
16 that a Defendant committed the crime on a date reasonably near  
17 the date stated in the indictment.

18                   You are here to decide whether the Government's  
19 proved beyond a reasonable doubt that a Defendant is guilty of a  
20 crime charged. The Defendant is not on trial for any act,  
21 conduct, or offense not alleged in the indictment. Neither are  
22 you called upon to return a verdict as to the guilt of any other  
23 person or persons not on trial as a Defendant in this case  
24 except as you are, otherwise, instructed.

25                   Certain charts and summaries have been received

1 into evidence. You should give them only such weight as you  
2 think they deserve.

3               Ellen came back in here. I just want to mention  
4 to the jury you will have a copy of the indictment in the jury  
5 room. We'll deliver that in all cases to you in the jury room.

6               During the trial, you heard the testimony of  
7 expert Dr. Graves Owen who expressed opinions regarding medical  
8 treatment of pain by prescribing opioids and other measures  
9 respectfully. If scientific, technical, or other specialized  
10 knowledge might assist the jury in understanding the evidence or  
11 in determining a fact in the case, a witness qualified by  
12 knowledge, skill, experience, training, or education may testify  
13 and state an opinion concerning such matters.

14              Merely because such a witness has expressed an  
15 opinion does not mean, however, that you must accept this  
16 opinion. You should judge such testimony like any other  
17 testimony. You may accept it or reject it and give it as much  
18 weight as you think it deserves considering the witness's  
19 education and experience, the soundness of the reason given for  
20 the opinion, and all evidence in the case.

21              A separate crime is charged in each count of the  
22 indictment. Each count and the evidence pertaining to it should  
23 be considered separately. The fact that you may find a  
24 Defendant guilty or not guilty as to one of the crimes charged  
25 should not control your verdict as to any other.

1           The case of each Defendant and the evidence  
2     pertaining to that Defendant should be considered separately and  
3     individually. The fact that you may find one of the Defendants  
4     guilty or not guilty should not control your verdict as to any  
5     other Defendant.

6           If a Defendant is found guilty, it will be my  
7     duty to decide what the punishment will be. You should not be  
8     concerned with punishment in any way. It should not enter your  
9     consideration or discussion.

10          The word "knowingly," as that term is used in  
11     these instructions, means that the act was done voluntarily and  
12     intentionally, not because of mistake or accident.

13          The word "willfully," as that term is used in  
14     these instructions, means that the act was committed voluntarily  
15     and purposely with the intent to do something the law forbids,  
16     that is, with the bad purpose to disobey or disregard the law.

17          While a person may have acted with the intent to  
18     do something the law forbids, before you can find that person  
19     acted willfully, the person need not be aware of the specific  
20     law or rule that his or her conduct violates.

21          All right. We're now on page 22. Count 1 is  
22     conspiracy. Now, what is a conspiracy? We're going to now look  
23     at how it's defined.

24          Count 1 of the indictment charges the Defendants  
25     with conspiracy to unlawfully distribute a controlled substance

1 in violation of Title 21 United States Code Section 846.

2           Section 846 makes it a crime for anyone to  
3 conspire with someone else to do something which, if carried  
4 out, would be a violation of Title 21 United States Code Section  
5 841(a).

6           Section 841(a)(1) makes it a crime for any person  
7 knowingly and intentionally to distribute a controlled substance  
8 not for a legitimate medical purpose or not in the course of  
9 professional practice.

10           A conspiracy is an agreement between two or more  
11 persons to join together to accomplish some unlawful purpose.  
12 It's kind of a partnership in crime in which each member becomes  
13 the agent of every other member.

14           For you to find a Defendant guilty of this crime,  
15 you must be convinced that the Government has proven each of the  
16 following beyond a reasonable doubt: that two or more persons,  
17 directly or indirectly, reached an agreement to unlawfully  
18 distribute a controlled substance not for a legitimate medical  
19 purpose or not in the usual course of professional practice.

20           The next element: that the Defendant knew of the  
21 unlawful purpose of the agreement and that the Defendant joined  
22 in the agreement willfully, that is, with the intent to further  
23 its unlawful purpose. One may become a member of a conspiracy  
24 without knowing all the details of the unlawful scheme or  
25 identities of all the other alleged conspirators.



1                   If a Defendant understands the unlawful nature of  
2 a plan or scheme and knowingly and intentionally joins in that  
3 plan or scheme on one occasion, that is sufficient to convict  
4 him or her for conspiracy even though the Defendant had not  
5 participated before and even though the Defendant played only a  
6 minor part.

7                   The Government need not prove that the alleged  
8 conspirators entered into any formal agreement nor that they  
9 directly stated between themselves all the details of the  
10 scheme. Similarly, the Government need not prove that -- prove  
11 that all of the details of the scheme alleged in the indictment  
12 were actually agreed upon or carried out nor must it prove that  
13 all of the persons alleged to have been members of the  
14 conspiracy were such or that the alleged conspirators actually  
15 succeeded in accomplishing their unlawful objectives.

16                  Mere presence at the scene of an event, even with  
17 knowledge that a crime is being committed or the mere fact that  
18 the -- that certain persons may have associated with each other  
19 and may have assembled together and discussed common aims and  
20 interests, does not necessarily establish proof of the existence  
21 of a conspiracy. A person who has no knowledge of a conspiracy  
22 but who happens to act in a way that advances some purpose of  
23 the conspiracy does not, therefore, become a conspirator.

24                  Now, a conspirator is responsible for offenses  
25 committed by another conspirator if the conspirator was a member

1 of the conspiracy when the offense was committed and if the  
2 offense was committed in the furtherance of or as a foreseeable  
3 consequence of the conspiracy.

4           Therefore, if you have found the Defendant guilty  
5 of the conspiracy charged in Count 1 and if you find beyond a  
6 reasonable doubt that during the time the Defendant was a member  
7 of that conspiracy another conspirator committed the offense in  
8 Count 2, 3, or 4 in furtherance of and as a foreseeable  
9 consequence of that conspiracy, then you may find the Defendant  
10 guilty of Counts 2, 3, and 4 even though the Defendant may not  
11 have participated in any of the acts which constitutes the  
12 offenses described in Counts 2, 3, or 4.

13           Now, it's looking at Counts 2, 3, and 4. The  
14 first one was conspiracy. Now, we're going to look at the  
15 substantive counts.

16           Counts 2, 3, and 4 of the indictment charges the  
17 Defendants with unlawfully distributing controlled substances  
18 and aiding and abetting the unlawful distribution of controlled  
19 substances in violation of 21 United States Code Section  
20 841(a) (1) .

21           Title 28 United States Code Section 841(a) (1)  
22 makes it a crime for any person knowingly and intentionally to  
23 distribute a controlled substance not for a legitimate medical  
24 purpose or not in the course of professional practice.

25           For you to find the Defendant guilty of this

1 crime, you must be convinced that the Government has proved each  
2 of the following beyond a reasonable doubt: that the Defendant  
3 distributed a controlled substance; that the Defendant did so  
4 knowingly and intentionally; and that the Defendant did so other  
5 than for a legitimate medical purpose or in the usual course of  
6 professional practice.

7                   A controlled substance is prescribed by a  
8 physician for a legitimate medical purpose or in the usual  
9 course of professional practice and, therefore, lawfully if the  
10 substance is prescribed in good faith. A physician must act in  
11 a manner that is in direct accordance with the standard of care  
12 set forth in the medical community or must have a good faith  
13 basis for a deviation from the standard of care.

14                   Good faith in this context means an honest effort  
15 to prescribe for a patient's condition acting in accordance with  
16 the standard of medical practice and, generally, recognized and  
17 accepted in the United States. In considering whether a  
18 physician prescribed a controlled substance for a legitimate  
19 medical purpose or in the usual course of professional practice,  
20 you should consider all of the physician's actions and the  
21 circumstances surrounding them.

22                   Page 28. Aiding and abetting. The guilt of a  
23 Defendant in a criminal case may be established without proof  
24 that the Defendant personally did every act constituting the  
25 alleged offense, though the law recognizes that ordinarily

1 anything a person can do for himself or herself may also be  
2 accomplished by him or her through the direction of another  
3 person as his or her agent or by acting in concert with or under  
4 the direction of another person or persons in a joint effort or  
5 enterprise.

6           If another person is acting under the direction  
7 of the Defendant or if the Defendant joins another person and  
8 performs acts with the intent to commit a crime, then the law  
9 holds the Defendant responsible for the acts and conduct of such  
10 other person just as though the Defendant had committed the acts  
11 or engaged in such conduct.

12           Before any Defendant may be held criminally  
13 responsible for the acts of others, it is necessary that the  
14 accused deliberately associate himself or herself in some way  
15 with a crime and participate in it with the intent to bring  
16 about the crime.

17           Of course, mere presence at the scene of a crime  
18 and knowledge that a crime is being committed are not sufficient  
19 to establish that the Defendant either directly or -- directly  
20 -- either directed or aided and abetted the crime unless you  
21 find beyond a reasonable doubt that the Defendant was a  
22 participant and not merely a knowing spectator.

23           In other words, you may not find any Defendant  
24 guilty unless you find beyond a reasonable doubt that every  
25 element of the offense as defined in these instructions was

1 committed by some person or persons and that the Defendant  
2 voluntarily participated in its commission with the intent to  
3 violate the law.

4               For you to find the Defendant guilty of this  
5 crime, you must be convinced that the Government has proved each  
6 of the following beyond a reasonable doubt: that the offense of  
7 unlawful distribution of a controlled substance was committed by  
8 some person, that the Defendant associated with the criminal  
9 venture, that the Defendant purposefully participated in the  
10 criminal venture, and that the Defendant sought by action to  
11 make that venture successful.

12              To associate with a criminal venture means that  
13 the Defendant shared the criminal intent of the principal. This  
14 element cannot be established if the Defendant had no knowledge  
15 of the principal's criminal venture.

16              To participate in the criminal venture means that  
17 the Defendant engaged in some affirmative conduct designed to  
18 aid the venture or assist the principal of the crime.

19              Now, to reach a verdict, whether it's guilty or  
20 not guilty, all of you must agree. Your verdict must be  
21 unanimous on each count of the indictment. Your deliberations  
22 will be secret. You'll never have to explain your verdict to  
23 anyone. It's your duty to consult with one another and to  
24 deliberate in an effort to reach agreement if you can do so.

25              Each of you must decide the case for yourself but

1 only after an impartial consideration of the evidence with your  
2 fellow jurors. During your deliberations, do not hesitate to  
3 reexamine your own opinions and change your mind if convinced  
4 that you were wrong. But do not give up your honest beliefs as  
5 to the weight or effect of the evidence solely because of the  
6 opinion of your fellow jurors or for the mere purpose of  
7 returning a verdict.

8 Remember at all times you are judges, judges of  
9 the facts. Your sole interest is to seek the truth from the  
10 evidence in this case and to decide whether the Government has  
11 proved the Defendant guilty beyond a reasonable doubt.

12 When you go to the jury room, the first thing you  
13 need to do is select one of your members as your foreperson who  
14 will help to guide your deliberations and will speak for you  
15 here in the courtroom, and a verdict form has been prepared for  
16 your convenience.

17 The foreperson will write the unanimous answer of  
18 the jury in the space provided for each count of the indictment,  
19 either guilty or not guilty, as well as answers to  
20 interrogatories as explained below.

21 At the conclusion of your deliberations, the  
22 foreperson should date and sign the verdict. If you need to  
23 communicate with me during your deliberations, the foreperson  
24 should write the message and give it to the Court Security  
25 Officer. I will either reply in writing or bring you back into

1 the court to answer your message.

2 Bear in mind that you're never to reveal to any  
3 person, not even to the Court, how the jury stands numerically  
4 or otherwise on any count of the indictment until after you've  
5 reached a unanimous verdict.

6 Here are some instructions. We're on page 32.  
7 If you find either Defendant guilty of any of the offenses  
8 charged, you must answer some questions called jury  
9 interrogatories to decide whether the offense involved certain  
10 controlled substances.

11 Do not answer these jury interrogatories until  
12 after you've reached your verdict. If you find the Government  
13 has not proved the Defendant guilty of a count, then you do not  
14 need to answer the interrogatory as to that Defendant for that  
15 count. If you find the Defendant guilty, then in answering  
16 these interrogatories and in deciding your verdict, you must be  
17 unanimous; and in order to find the offense involved a certain  
18 controlled substance, you must all be satisfied that the  
19 Government proved the identity beyond a reasonable doubt.

20 We have two separate sections here as to both --  
21 as to each Defendant. They're, basically, similar; but I'm  
22 going to read you the first one; and then, we'll summarize the  
23 second.

24 So, let's see, it just so happens that the first  
25 Defendant is Dr. Craig. We're on page 34.

1                   Conspiracy to unlawfully distribute a controlled  
2 substance. We, the jury, unanimously find Defendant Gazelle  
3 Craig, D.O. as to Count 1 -- that's conspiracy to unlawfully  
4 distribute a controlled substance -- and this is the conspiracy  
5 -- guilty, not guilty.

6                   If you find that Dr. Craig is not guilty of  
7 conspiracy to unlawfully distribute a controlled substance as  
8 described in Count 1, proceed to the next count. Do not answer  
9 the jury interrogatory.

10                  If you find Dr. Craig guilty of conspiracy to  
11 unlawfully distribute a controlled substance as charged in Count  
12 1, please answer the following jury interrogatory before  
13 proceeding to the next count.

14                  So, assuming you found guilty, then you look at  
15 the next one. It says do you unanimously find that the  
16 Government proved beyond a reasonable doubt that the mixture or  
17 substances contained -- and check all that apply. And one is  
18 hydrocodone and the other one is caris -- what is it,  
19 carisoprodol. All right?

20                  Now, Count 2, we, the jury, unanimously find --  
21 now, this is the unlawful distribution. The first one was the  
22 conspiracy. So, the next count is unlawful distribution of a  
23 controlled substance. We, the jury, unanimously find Dr. Craig  
24 as to Count 2, unlawful distribution of a controlled substance,  
25 guilty, not guilty.



1                   If you find the Defendant not guilty of unlawful  
2 distribution as charged in Count 2, proceed to the next count.  
3 Do not answer the jury interrogatory. If you find the Defendant  
4 guilty in this count, then you need to answer the following  
5 interrogatory: Do you unanimously find the Government proved  
6 beyond a reasonable doubt that the mixture or substance  
7 contained -- and check all that apply.

8                   Now, I'm talking to the attorneys. I believe the  
9 next one is similar to the other ones, right, but it's a  
10 separate count?

11                  We're now looking on page 36 as to Count 3. You  
12 need to first determine relative to Count 3, unlawful  
13 distribution, guilty or not guilty. If it's guilty, you then  
14 need to go down and check the boxes down below as to -- if you  
15 find each of those drugs do apply.

16                  Now, again, Count 4 as to Dr. Craig -- again,  
17 it's Count 4, unlawful distribution. Once again, initially  
18 guilty or not guilty; and if you find guilty, then you need to  
19 make the decision down below there.

20                  Now, you will see -- when you reach the end of  
21 the questions concerning Dr. Craig, take a look at the bottom.  
22 The presiding juror, whoever he or she is, must sign that and  
23 date that. That's your first set of jury questions that need  
24 the signature of the presiding juror.

25                  Now, we move to the set on page 38, the verdict

1 form as to Mr. Faithful. I'm just going to go over this,  
2 generally, because we've been over before all of the wording;  
3 and correct me if -- it is the same; but now, we have to  
4 consider each Defendant separately. So, now, it's Mr. Faithful.

5           The first one, conspiracy to unlawfully  
6 distribute a controlled substance, guilty or not guilty; and if  
7 it's guilty, check the appropriate box, if any.

8           As to Mr. Faithful, Count 2, which is the  
9 unlawful distribution of a controlled substance, guilty or not  
10 guilty; and if it happens to be guilty, then down below, check  
11 the appropriate boxes for the drugs.

12           Count 3, unlawful distribution. This is the jury  
13 verdict for Count 3. Again, guilty or not guilty; and if it  
14 happens to be guilty, fill in the appropriate box below.

15           And the final one for Mr. Faithful, again,  
16 unlawful distribution of a controlled substance. If it happens  
17 to be guilty, then fill in -- check the appropriate box; and  
18 then, you note down at the bottom of page 42, it must be signed  
19 and dated by the presiding juror.

20           At that point, you will then notify the marshal  
21 that you've reached a verdict and return it to court.

22           We're now going to hear from the Government,  
23 okay? The Government is going to open its case, open the  
24 summarization. Then, we're going to take a break, take a break  
25 partway through. The Government has 75 minutes. They need to

1 take, at least, as they know, at least, half of that time on  
2 their opening; and when they're through with their opening, we  
3 will take a break, come back in, hear the full summation by the  
4 defense and any wrap-up that the Government has.

5                   So, I'll now turn the clock on as far as this  
6 goes, as far as summation goes.

7                   Counsel, go right ahead.

8                   MR. HELFMEYER: Thank you, your Honor.

9                   If we could have the screen down. The lights can  
10 stay on for a minute or two, your Honor.

11                   Uncle Ronnie, Kiwi, Braylon, Dre, Tasha, Wilbert,  
12 Keke, Kool, and Tywoo, those were the Defendants' customers at  
13 Gulfton clinic. These facilitators, these street-level drug  
14 dealers were Gulfton's real customers, not Paul Fernandez, not  
15 Amanda Robinson, not Reginald Sedberry, not Charlotte Mason.

16                   99 percent. That's what Ms. Ericka Hayes  
17 testified was how many of the people that went to Gulfton were  
18 brought by facilitators. Getting prescriptions from Dr. Craig,  
19 lining the pockets of Dr. Craig and Shane Faithful.

20                   Ericka Hayes is a small woman; but on Friday, she  
21 spoke with a booming voice. She exposed Gulfton for what it  
22 was: a drug trafficking organization masquerading as a medical  
23 clinic. Dr. Craig and Shane Faithful were hiding their criminal  
24 organization in plain sight just like Mr. Armstrong told you at  
25 the start of trial; but they can't hide from you, ladies and

1 gentlemen. Craig and Faithful, partners in Gulfton, partners in  
2 crime.

3 I've been speaking to you for almost two minutes,  
4 longer than it took for Gazelle Craig to see someone and  
5 prescribe the Vegas cocktail.

6 MR. WILLIAMS: Objection, your Honor. It's not a Las  
7 Vegas cocktail. There's been no testimony as to that. He's  
8 aware that the Las Vegas cocktail contains three drugs.

9 MR. HELFMEYER: Your Honor --

10 THE COURT: Wait a second. I'll take care of it.

11 MR. WILLIAMS: Thank you, your Honor.

12 THE COURT: Overruled.

13 MR. HELFMEYER: Long enough to make her \$150. Long  
14 enough to make Shane Faithful \$150. Long enough to make Tywoo  
15 or Uncle Ronnie \$800 on the street. Their real customers. Over  
16 2.1 million pills of hydrocodone. Almost 1.4 million pills of  
17 carisoprodol. Norco plus Soma. Norco will get you high. Add  
18 Soma and it will get you higher. Gazelle Craig wrote over  
19 18,000 prescriptions for hydrocodone between 2015 and 2017. 99  
20 percent of them, as Ericka Hayes testified, ending up on the  
21 streets of Houston.

22 Dr. Craig knew her pills were ending up on the  
23 streets. Shane Faithful knew the pills were ending up on the  
24 streets.

25 And your Honor, if we could have the lights.

1 I made a demonstrative --

2 And the TV screen for the jurors, your Honor.

3 I made a demonstrative that's going to be up on  
4 the screen.

5 MR. ARMSTRONG: Your Honor, I believe you have to  
6 switch to our system, as well.

7 THE COURT: Okay. That's probably why.

8 MR. HELFMEYER: The demonstrative is going to have  
9 four images on it of the cards for store credit that were given  
10 by facilitators.

11 THE COURT: I'll stop the clock for a second here.

12 Okay, keep going as best you can.

13 MR. HELFMEYER: Facilitators. That was Shane  
14 Faithful's term, Shane Faithful's term to disguise the drug  
15 dealers for what they were. The Defendants knew these pills  
16 were ending up on the streets. What's his response? More.

17 And if we can play the recording from  
18 Government's Exhibit 504 for 30 seconds.

19 (A portion of Government's Exhibit Number 504, audio  
20 recording, was played in open court.)

21 MR. HELFMEYER: He went on to say, as you remember,  
22 that, without her, you all lose your jobs. He needed her to  
23 write the prescriptions. She needed him to run the business.

24 If we could go to the demonstrative with the four  
25 cards, Ms. Mortezaavi.

1                   In the left-hand corner is one of the cards for  
2 store credit from Government's Exhibit 203 found at Shane  
3 Faithful's house by DEA agents during the execution of the  
4 search warrant. We can see that it's for Patient Number 30 in  
5 July of 2016. In the upper right-hand corner, of course, it is  
6 signed by Dr. Gazelle Craig; and it says patient replacement.

7                   Below that, another one of the cards for store  
8 credit given to a facilitator. Just above that card is a note:  
9 "Shane approved full credit." Shane is Shane Faithful. This  
10 card is in Government's Exhibit 314 found at the Gulfton clinic  
11 by DEA agents during the execution of the search warrant.

12                  On the right, we have two more. The first for  
13 Kool, again for a replacement, again signed by Gazelle Craig.  
14 On the bottom, another credit to another facilitator, this time  
15 Braylon; again, signed by Gazelle Craig for someone who got  
16 kicked out, according to the DPS reports which you've heard  
17 about during the trial. Partners in Gulfton; partners in crime.  
18 Hand-in-hand. Scripts for cash every day for two years.

19                  The United States has charged each Defendant with  
20 four counts each. The first count of a conspiracy to distribute  
21 a controlled substance and then three individual counts of  
22 distributing a controlled substance.

23                  Very briefly, the conspiracy charge accounts for  
24 the running of a pill mill by Gazelle Craig and Shane Faithful  
25 from 2015 to 2017.

1                   Count 2 is for the prescription of hydrocodone  
2 and carisoprodol to Davis Webster on March 10th of 2017.

3                   Count 3 is the prescription for hydrocodone and  
4 carisoprodol by Dr. Craig again to Davis Webster on May 16th of  
5 2017.

6                   And Count 4 is for the prescription to Tonya  
7 Graham on June 15th of 2017. Count 1, the conspiracy, is no  
8 more than an agreement to commit a crime just as Judge Hittner  
9 explained to you. The partnership was between Craig and  
10 Faithful. The crime was dealing drugs. Dealing drugs by  
11 writing prescriptions.

12                  Dr. Craig, of course, was allowed to write the  
13 prescriptions as a medical doctor; but she broke the law because  
14 her prescriptions were not for a legitimate medical purpose.  
15 And they were outside the scope of professional practice. She  
16 broke the law because her prescriptions were given to drug  
17 dealers to sell on the street. There is no legitimate medical  
18 purpose for that.

19                  She broke the law when she wrote prescriptions  
20 without evaluating patients with a disregard for patients'  
21 medical history and with a disregard for patients' needs and the  
22 risks. She broke the law when she wrote the same prescriptions  
23 for the same drugs in the same amount day after day after day  
24 for two and a half years. Dr. Craig broke the law when she  
25 wrote the same prescription for Norco and Soma to everyone.

1 Practicing below the standard of care.

2                   Gazelle Craig became a drug dealer when she  
3 prescribed drugs that she knew would end up on the street.  
4 Defendant Faithful broke the law when he helped her do it. He  
5 broke the law when he set up Gulfton to keep the facilitators'  
6 cash coming in and the prescriptions going out.

7                   He, of course, did not write the prescriptions;  
8 but he was a necessary part of the criminal organization. He  
9 was a partner. Partners in Gulfton; partners in crime. And  
10 what was the goal of their partnership? You saw it, ladies and  
11 gentlemen. Cash.

12                  Government Exhibit 208 at 4 on the left and 3 at  
13 5 on the right. \$141,000 recovered from Shane Faithful's house.  
14 Almost 40,000 on the right recovered from Gazelle Craig's  
15 apartment. How do they get that kind of cash? Facilitators,  
16 ladies and gentlemen. Cash for scripts every day split 50/50,  
17 all to line the pockets of Gazelle Craig and Shane Faithful.

18                  Ladies and gentlemen, you got to see how Shane  
19 Faithful ran Gulfton clinic on a day-to-day basis. The gates  
20 opened at 7:30. You saw that at the beginning of the trial with  
21 the pole camera footage. Take everyone's ID and run their  
22 prescription history. That was Faithful's rule to protect  
23 Dr. Craig and a rule to detect law enforcement.

24                  Diversion Investigator Mills testified last week  
25 that DEA had difficulty infiltrating Gulfton because they didn't



1 have any agents with the right prescription history, and Craig  
2 and Faithful knew that. That's why they set up that barrier.  
3 Roughly, 300 per person, \$300 cash, no credit cards, no  
4 insurance. Faithful's price; Faithful's rule.

5                   Why no credit cards? Because credit card  
6 transactions create records. Records are traceable. They knew  
7 that DEA could find out who was really paying for the  
8 prescription. The same customers every day, the same  
9 facilitators.

10                   And why no insurance? Because insurance  
11 companies keep records. Employees were paid in cash until  
12 Ericka Hayes asked to be given a paycheck. She wanted proof of  
13 income. Proof of income is exactly what Gazelle Craig and Shane  
14 Faithful didn't want.

15                   Surveillance cameras everywhere. Faithful's rule  
16 to keep an eye on everyone all the time. No cell phones. No  
17 bookbags. No binders. No headphones. Faithful's rule to deter  
18 law enforcement. Faithful instructed staff to do pat-downs  
19 instead of physical exams. Faithful's rule to detect law  
20 enforcement.

21                   You heard Ms. Loren Phillips say that she heard  
22 Mr. Faithful give that instruction to the staff; and then, you  
23 heard Mr. Webster testify when he went the second time, he got a  
24 pat-down. And then, if someone broke one of the Defendant's  
25 rules, they would kick that person out of Gulfton and give the

1 facilitator a credit for a future person.

2                   The credit was never given back to the patient.

3 The credit was given back to the facilitator. It wasn't the

4 patient's money. It wasn't the patient's prescription.

5 Faithful's rule; Craig's rule. Corroborated by the expense

6 reports and the store credit seized in Faithful's house.

7 Corroborated by the sign-in sheets and the store credit found at

8 the clinic. And corroborated by Gulfton's records that were

9 given to DEA by Ms. Loren Phillips. And it was never enough.

10                  Shane Faithful had the employees call 50 to 100

11 people at random every day trying to keep the people coming in,

12 but it didn't work because the numbers in the files were fake.

13 It was not a democracy. He runs the show. You heard it, ladies

14 and gentlemen.

15                  You also heard how Dr. Craig ran the medical side

16 of Gulfton. No patient allowed without a prescription history.

17 No medical records requested from doctors. Or when there were

18 medical records in the file, she didn't look at them. Quick

19 interactions with patients and then on to the next one.

20                  If she catches someone on their phone, kick them

21 out and give a store credit to the facilitator or reduce the

22 pills on their prescription. If they're going to give a

23 facilitator store credit, she's got to sign it, he's got to

24 approve it.

25                  Last week you saw and heard how she ran her

1 practice. This week, you've seen and heard from her. She  
2 provided a lot of answers that didn't make sense and some were  
3 just not true. She told you that her unlicensed assistant  
4 spent, at least, 30 minutes with every person that she saw.  
5 Simple math, ladies and gentlemen. 30 minutes, 60 patients a  
6 day, that would be 30 hours that that unlicensed assistant was  
7 spending with people. That's physically impossible.

8                   She had the audacity to tell you, ladies and  
9 gentlemen, she didn't know who got the other half of the cash.  
10 Maybe most brazen of all was her response to the investigation  
11 by the Texas Medical Board. As soon as Dr. Craig discovered  
12 that the Texas Medical Board was investigating her practice, she  
13 tried to get out of dodge.

14                   Within two weeks of finding out about that  
15 investigation, she had applied to two other states' medical  
16 boards and then lied on those applications. She lied to Hawaii.  
17 She lied to California. And then, she lied to you.

18                   Craig and Faithful's formula was simple: Have  
19 the prescription history, bring the cash, check the boxes to say  
20 you're in pain, don't use your phone, and get the prescription.

21                   Next, I want to go through a five-day period --  
22 or five days in the business of Gulfton. Five days showing  
23 Craig and Faithful's partnership, their conspiracy, and what it  
24 got them. Five days in the evidence from five different  
25 sources: evidence seized from Faithful's house, evidence seized

1 from Dr. Craig's house, evidence seized from the clinic,  
2 evidence brought by Ms. Phillips to DEA, and then the  
3 Prescription Monitoring Program report.

4           The first of the three -- the first three days  
5 are June 28th, 29th, and 30th of 2016.

6           If we could go to Government's Exhibit 318.

7           This exhibit, ladies and gentlemen, is from one  
8 of the appointment books that was recovered by DEA agents at the  
9 Gulfton clinic. If you look on the screen, we have June 29th,  
10 June 30th, and June --

11           It should be 28th, 29th and 30th.

12           If you look on the screen, you see that E. J. was  
13 bringing four patients; Ronnie was bringing four patients;  
14 Cherry was bringing two; Kool was bringing four; Tywoo was  
15 listed there; Wilbert was bringing four; and Dre, four.

16           What do those patients turn into on June 28th of  
17 2016? Government Exhibit 201 seized during the search of Shane  
18 Faithful's house. This is one of the expense reports identical  
19 to the ones that Ms. Phillips brought to DEA. On June 28th of  
20 2016, you can see that Gulfton made \$8,840 from those patients.

21           Next page of this exhibit, 201 at 2, is the  
22 sign-in sheet from that day; and if we can zoom in to the right,  
23 you can see -- and this was again recovered at Mr. Faithful's  
24 house. It says phone, Tywoo, credit, \$130.

25           Ladies and gentlemen, remember seeing on the

1 previous exhibit, the planner, that Tywoo was bringing a  
2 patient. Here, we have Tywoo's patient being caught on the  
3 phone. So, he's getting a credit for \$130 back.

4                   If we could go to the next page, please, of the  
5 exhibit.

6                   You see that there are 33 patients that came to  
7 Gulfton that day, June 28th. And what do those 33 patients get?  
8 Government Exhibit 800 is one of the summary charts. They got  
9 3,715 pills of Norco, 2,880 pills of Soma. All but two of those  
10 are for 120 and 90; 120 Norco, 90 Soma.

11                  The next day, June 29, 2016. Let's start with  
12 the sign-in sheet. This was one seized by agents at Gulfton.

13                  And if we can zoom in again to between 12 and 13.

14                  Tywoo was back the next day. His patient gets  
15 kicked out on the 28th. Then, he brings another person back on  
16 the 29th. Here, he's using his credit for \$130 because the  
17 previous day his patient got kicked out on the phone. This  
18 document was seized by agents at Gulfton. Their own records.

19                  And if we could go to the next page.

20                  And then the next page.

21                  On June 29th, 58 patients at Gulfton clinic.  
22 What does that 58 patient number mean for Gazelle Craig and  
23 Shane Faithful? Government's Exhibit 205 at 5 is another  
24 expense report again found at Shane Faithful's house that tells  
25 you exactly what he and Dr. Craig received from those patients,

1 those people. \$15,080 for business that day. That meant \$6,515  
2 for him, \$6,515 for Dr. Craig. Notice here that, of course,  
3 they had to take out Tywoo's credit of \$130 so the numbers  
4 matched.

5 The next day is June 30th of 2016.

6 If we can start at -- oh, sorry, you're right.  
7 If we can go to Government's Exhibit 205 at 7.

8 This card for store credit was found at Shane  
9 Faithful's house attached to that expense record. This is for  
10 Tywoo's patient. This is the one that had been caught on the  
11 phone on the 28th and then given the \$130 credit to Tywoo and  
12 replaced on the 29th. In the upper left-hand corner signed by  
13 Gazelle Craig.

14 June 30, 2016, the sign-in sheet.

15 The next page.

16 Next page.

17 48 patients. What did Dr. Craig give those 48  
18 people?

19 Next page.

20 45 of them got Norco and Soma. 5,400 pills of  
21 Norco, 3,930 pills of Soma, all for the maximum strength at her  
22 maximum dosage. The maximum strength and the maximum dosage for  
23 people reeking of alcohol, reeking of marijuana.

24 I want to move to a different month, November  
25 11th of 2016. We can start with the sign-in sheet.

1 Next page.

2 Next page.

3 Ladies and gentlemen, it's upside down; but it's  
4 59 patients on 11-11-16.

5 If we could go to Government Exhibit 603 at 21.

6 This was an expense report provided to DEA by  
7 Ms. Phillips. You'll notice --

8 This is the wrong one.

9 The November 11, 2016, expense report brought by  
10 Ms. Phillips to DEA indicates 59 patients just like were shown  
11 on the sign-in sheet. It reflects that \$18,880 cash was brought  
12 into Gulfton clinic split halfway between Gazelle Craig and  
13 Shane Faithful. Split between the two of them, that was  
14 \$3,978.44 after expenses. And Government Exhibit 3 at 15 which  
15 is a photograph taken at Dr. Craig's house, 11-11-16, for  
16 \$3,978.44. Just like is written on the expense report.

17 Finally, let's move to July 7th of 2017. That's  
18 Gazelle Craig and Shane Faithful's last day at Gulfton. Let's  
19 start with the sign-in sheet.

20 Next page.

21 Next page.

22 One more.

23 66 patients on July 7th, the last day they were  
24 in operation. What does 66 patients look like?

25 Well, ladies and gentlemen, you saw at the

1 beginning of trial from the pole camera footage -- we're going  
2 to play that again in a moment. From July 7th of 2017.

3 (Video recording played in open court.)

4 MR. HELFMEYER: You'll notice the gates opening, the  
5 cars are rushing in. And then, in a few seconds, you're going  
6 to see the masses of people coming from the right. It's going  
7 to look like white blobs, but they're moving, and it's people  
8 coming in lining up to get into Gulfton clinic to see Dr. Craig.

9 Remember, Ericka Hayes' testimony. 99 percent of  
10 these people that you see coming in right here were brought by  
11 facilitators. The prescriptions that these people are about to  
12 get by Dr. Craig are going to be filled at a pharmacy and then  
13 sold on the street. These 99 percent were professional patients  
14 given breakfast and beer and \$60 just like Paul Fernandez and  
15 then sent on their way.

16 But who profits? You know who profits the most?  
17 They're sitting right here at this table. These two. From July  
18 7th of 2017 --

19 If we can go to Government's Exhibit 361 at 18.

20 This is the photograph that agents took after  
21 they did the raid at the clinic. \$5,720 to Dr. Craig; \$5,720 to  
22 Shane Faithful, all drug money. You heard testimony from two  
23 experienced doctors: Dr. Owen and Dr. Ajinder Dhatt.

24 Dr. Owen testified about the standard of care.  
25 The standard of care is the floor for a medical practice.



1 Dr. Craig was prescribing in the basement. Dr. Owen testified  
2 that it is grossly below the standard of care to prescribe Norco  
3 and Soma together based on the danger for abuse, the lack of any  
4 proven benefit; and he wasn't alone.

5 Dr. Owen testified to it; and then, when  
6 Dr. Craig took the stand, we showed her her continuing medical  
7 education; and it's on the screen right now. Carisoprodol  
8 should not be used particularly in combination with opioids.  
9 That's all of Gazelle Craig's practice.

10 In the next paragraph, the combination of an  
11 opioid, a benzodiazepine like alprazolam, and carisoprodol is  
12 inappropriate and is a substitute for cocaine and heroin.  
13 That's what Dr. Craig prescribed because that's what her  
14 customers wanted.

15 Ladies and gentlemen, remember Monday morning,  
16 Ms. Esther Magana testified. When we showed Dr. Craig  
17 Ms. Magana's DPS report, the prescription history, we learned  
18 that Dr. Craig was prescribing Norco and Soma on top of another  
19 doctor's prescription for alprazolam, this combination that is  
20 cocaine and heroin and should never be prescribed. That was her  
21 practice.

22 Dr. Owen went through in detail the other way  
23 that Dr. Craig was falling below the standard of care: not  
24 requesting prior medical records; and we did see two instances  
25 where prior medical records were in the patient files: for

1 Mr. Paul Fernandez with cirrhosis of the liver and Ms. Charlotte  
2 Mason with severe respiratory failure, both people that never  
3 should have been prescribed the drug cocktail that Dr. Craig was  
4 prescribing.

5                   And what did she do? Prescribe, prescribe,  
6 prescribe. Even after she found out that Ms. Mason had this  
7 serious condition that her lungs were failing, she wrote her a  
8 prescription for 120 pills of Norco that day. Dr. Owen said she  
9 fell below the standard of care for not providing adequate  
10 examination, not trying less dangerous treatments before  
11 opioids, not doing blood tests.

12                   And Dr. Craig told you that, that she didn't have  
13 the ability to do blood tests. Nonetheless -- and you'll have a  
14 chance to go through the patient files if you'd like -- every  
15 single examination where there's a lab component on the form,  
16 there are three of them circled every single time.

17                   Remember Paul Fernandez? He first went to  
18 Dr. Craig in 2015. Plan is circled for the labs. He went again  
19 in 2016 and, again, in 2017. Each time she's planning in the  
20 future to do lab tests. Never done. And why does it matter for  
21 Mr. Fernandez? Because Mr. Fernandez has cirrhosis of the  
22 liver. And if she had actually done those blood tests, she  
23 would have known that. It would have shown up in the test. But  
24 I guess she did know that because it was in her patient file  
25 that he had cirrhosis, and she wrote him six prescriptions for

1 Norco.

2 Dr. Owen said that Dr. Craig fell below the  
3 standard of care by not providing individualized treatment, that  
4 is, prescribing the same strength Norco to everyone regardless  
5 of age, sex, height, weight, or medical history. She provided  
6 the same strength to everyone.

7 This is Government's Exhibit 801 again that we  
8 looked at before from June 30th. The same strength to everyone.  
9 18,000 prescriptions for Norco, all but one for the same  
10 strength, the maximum strength, ten milligrams. One  
11 prescription for one person below the maximum. That one person?  
12 Shane Faithful. One prescription for five milligrams of Norco.  
13 Maybe she cared about him.

14 Based on the 35 random files that Dr. Owen  
15 reviewed, in his expert opinion he concluded -- and it wasn't  
16 close -- that Dr. Craig was falling below the standard of care.  
17 She was not practicing medicine. But ladies and gentlemen, you  
18 don't need Dr. Owen to tell you that. You just need to use your  
19 common sense.

20 What decision have you seen or heard that  
21 Dr. Craig made during her practice at Gulfton that anyone  
22 couldn't have made regardless of medical training? What have  
23 you seen or heard that she did that made you believe that she  
24 needed a day of medical school? Not the way she prescribed the  
25 same thing -- same strength to everyone, not the way she filled

1 in the cookie-cutter charts, not the way she never advised any  
2 of the people about how to take their meds.

3 She didn't need to advise them how to take their  
4 meds. The drugs were not for them. The money was not from  
5 them. The meds belonged to Uncle Ronnie or Wilbert or Tywoo who  
6 got their \$800 on the street just like Gazelle Craig and Shane  
7 Faithful raked in their cash at the end of the day.

8 You don't need -- you don't need medical school  
9 to do what Dr. Craig did, but you do need a medical license.  
10 You need a license to practice medicine and a DEA number. She  
11 had that license, and she had that number. She had the license  
12 to prescribe medication, but she treated it like a license to  
13 deal.

14 All she needed was a partner to handle the  
15 business side, and she had that in Shane Faithful. With Shane  
16 Faithful's help, his aiding and abetting, Dr. Craig took that  
17 DEA number, that trust of first do no harm, and she pushed over  
18 two million pills of hydrocodone onto the streets of Houston.

19 Dr. Dhatt, Dr. Ajinder Dhatt, testified about his  
20 treatment of two patients: Amanda Robinson and Reginald  
21 Sedberry. He remembers his patients. He knows facts about  
22 their life. He was practicing medicine. All Dr. Craig did was  
23 pocket the cash and prescribe the pills.

24 Any basic inquiry into Reginald -- any basic  
25 inquiry would have shown that Reginald Sedberry is severely

1 mentally disabled. He's addicted to cocaine. He's an  
2 alcoholic. He hallucinates and reports seeing demonic black  
3 cats.

4 Dr. Dhatt testified that Mr. Sedberry doesn't use  
5 Norco. Cocaine and alcohol are his drugs. Dr. Dhatt testified  
6 that Mr. Sedberry is homeless and relies on government  
7 assistance. No way he has access to \$300. The only explanation  
8 is that Mr. Sedberry, like Paul Fernandez, was being brought by  
9 one of these facilitators.

10 A quick glance at Amanda Robinson's medical  
11 history would show that she's already detoxing from Dr. Craig's  
12 cocktail, that she's depressed and bipolar and that the last  
13 thing she needs is 120 pills of Norco.

14 And Charlotte Mason. Charlotte Mason has severe  
15 respiratory failure. She tried to commit suicide by downing a  
16 bottle of Ambien. She demanded Norcos. Two doctors at  
17 University of Texas Medical Branch refused to serve her Norcos  
18 because she was seeking. So, she went to Gazelle Craig and got  
19 her Norcos.

20 It wasn't that Dr. Craig didn't know about the  
21 patients, it's that she didn't care because it didn't matter.  
22 The prescriptions weren't for them, the money wasn't from them.  
23 They weren't her real customers.

24 You saw and heard about the steps that Faithful  
25 and Craig took to conceal their crimes. All of Faithful's

1 rules, no phones, no bookbags, no Bluetooth, no binders, all  
2 were designed to prevent law enforcement from infiltrating their  
3 criminal organization; and they worked.

4               Davis Webster testified to you last week that he  
5 had a binder the second time he went in. The security guard  
6 made him leave with the binder because they knew that you could  
7 hide a recording device in there. Having a binder is not a  
8 violation of HIPAA, ladies and gentlemen. Dr. Craig's story is  
9 nonsense, transparent, and false.

10              They did pat-downs instead of exams. Four or  
11 five or six armed security guards, armed security guards testing  
12 for bugs and wires on the door like Special Agent Graham  
13 testified. They had surveillance cameras. More money spent on  
14 surveillance cameras than all of the medical equipment at the  
15 Gulfton clinic combined.

16              And Mr. Faithful gave instructions to  
17 Ms. Phillips about what she should do with these expense reports  
18 that are in Government's Exhibit 603. First, he said don't put  
19 Gulfton's name up at the top where it says "Company name here."  
20 Then, he said shred them. Don't keep any records at the clinic.

21              And you'll notice that when DEA agents raided the  
22 clinic, executed the search warrant, there weren't any expense  
23 reports because they had all been shredded; but they were found  
24 at Shane Faithful's house; and the ones found at Shane  
25 Faithful's house corroborate the envelopes found at Shane

1 Faithful's house, corroborate the sign-in sheets that were found  
2 at Gulfton clinic, corroborate the envelopes that were found at  
3 Dr. Craig's house.

4 Craig and Faithful set the most superficial rules  
5 to weed out doctor shoppers, doctor shoppers they knew would  
6 raise red flags for the Texas Medical Board or the DEA. The  
7 only people who got turned away were those who would get them  
8 caught; and when they did get turned away, they let a  
9 facilitator fill that spot, not practicing medicine, just trying  
10 not to get caught.

11 And they put filler in the medical files.  
12 Remember what Ms. Hayes testified earlier. After looking at the  
13 medical files and urine test reports, she said it was fluff.  
14 Every step Gazelle Craig and Shane Faithful took at Gulfton was  
15 an attempt to either conceal their crime or increase their cash.

16 I want to turn to the undercover visit that  
17 account for Counts 2, 3, and 4 of the indictment, the visits of  
18 Davis Webster and Special Agent Graham. First, Davis Webster  
19 went on March 10th of 2017 which is Count 2. When he arrived,  
20 he immediately saw two crew leaders that he recognized from his  
21 time as a crew leader.

22 And let me take a second. Crew leader is the  
23 same as facilitator; is the same as another term that was used,  
24 I believe, a runner; is the same as what some other people have  
25 called a driver. It's all different terms for the same idea.

1                   So, Mr. Webster sees Uncle Ronnie; and then, he  
2 goes into the clinic; and as soon as he steps foot in the  
3 clinic, he realizes what's going on. He knows he's going to  
4 have no difficulty getting a script. Mr. Webster followed Craig  
5 and Faithful's rules. He brought the cash. He had the  
6 prescription history. He didn't use his phone. He claimed to  
7 be in pain. And he got the prescription.

8                   He's not a real patient, but Dr. Craig doesn't  
9 care. She doesn't ask. Dr. Craig doesn't even bother to ask  
10 what he had done with his previous prescription that he told  
11 you, ladies and gentlemen, he sold on the streets.

12                  Government's Exhibit 360 at 24 is the  
13 prescription that Davis Webster received from Dr. Craig. March  
14 10, 2017, 100 -- 100 pills of Norco, 80 pills of Soma. That's  
15 Count 2, ladies and gentlemen. The same drug cocktail she  
16 prescribed everyone.

17                  Two months later, May 16, 2017, Mr. Webster comes  
18 back. He followed the same rules. He paid his cash. He  
19 reported the pain. He didn't use his phone. He got the  
20 prescription. On May 16th before seeing Dr. Craig, Mr. Webster  
21 got a pat-down, a pat-down checking for wires, not a strength  
22 test or a Spurling's exam or a flexion test, a pat-down. That  
23 was Mr. Faithful's orders, to check for a wire.

24                  You-all heard Mr. Webster's interaction with  
25 Dr. Craig on May 16th. 46 seconds. Dr. Craig admitted on the



1 stand that she only spent 46 seconds with Davis Webster. All of  
2 the time on cross-examination when there was some insinuation  
3 that something else happened that wasn't recorded between Davis  
4 Webster and Dr. Craig, gone. 46 seconds; and then, she  
5 prescribed him Norco and Soma.

6 And ladies and gentlemen, remember that  
7 recording. What was her response when Mr. Webster reported that  
8 he had reinjured part of his body. "Oh, that's possible." She  
9 wasn't practicing medicine when she saw Davis Webster on May 16,  
10 2017. She was checking out the boxes on a piece of paper and  
11 writing a prescription for the same cocktail she gave everyone.  
12 On May 16th, his prescription, again, was for Norco and Soma.  
13 That's Count 3.

14 Finally, Count 4 is Special Agent Tonya Graham,  
15 formerly with the Secret Service undercover as Tonya Jackson.  
16 You saw what Special Agent Graham saw as she entered Gulfton  
17 clinic, and I want to play a little less than a minute of it for  
18 you.

19 (Video recording played in open court.)

20 MR. HELFMEYER: Got people lined up out the door.  
21 People lying on the floor. So, you could see two people lying  
22 on the floor. And remember what Special Agent Graham testified  
23 to. She said that she left; came back; and then, after she came  
24 back, saw Dr. Craig come in wheeling her backpack that she would  
25 take the cash home in later that day.

1                   So, Dr. Craig would have to go by these people  
2 lying on the floor. So, she lied to you when she told you that  
3 she never saw that. She didn't want you to think that that was  
4 actually going on and that she knew it. But Special Agent  
5 Graham followed Craig and Faithful's rules. She had the cash.  
6 She had the prescription history. She reported the pain. And  
7 she got her prescription.

8                   Government's Exhibit 357 at 21 is the  
9 prescription for Special Agent Graham -- this is Count 4 --  
10 prescribing Soma, prescribing Norco.

11                  THE COURT: 45 minutes has gone past, counsel.

12                  MR. HELFMEYER: Thank you, your Honor.

13                   She spent 91 seconds with Tonya Graham, a person  
14 she had never met before and then prescribed her Norco and Soma.  
15 You don't need Dr. Owen to tell you that that's not practicing  
16 medicine. Just like you don't need Dr. Owen or Dr. Dhatt to  
17 tell you that she wasn't practicing medicine when she prescribed  
18 Paul Fernandez the same dangerous drug cocktail eight times.

19                   Paul Fernandez went to Dr. Craig in 2015, in  
20 2016, in 2017, both before and after Ericka Hayes and Loren  
21 Phillips worked there. The same prescription every time. 955  
22 pills of Norco. How many did he take? One. But one is more  
23 than the number of physical examinations he received by  
24 Dr. Craig or anyone else at Gulfton.

25                   I wrote down an exchange between, I believe,

1 Mr. Lewis and Mr. Fernandez on cross-examination. Question:  
2 Did you get examined by somebody at the clinic, by the doctor or  
3 someone else at the clinic as far as a physical examination?

4 Answer: No.

5 Almost a thousand Norco pills, zero examinations.  
6 But Paul Fernandez is just an example, albeit an offensive one.  
7 He's just one of the 99 percent that Ericka Hayes talked about.

8 Alice Goulsby, the other person that testified on  
9 Monday. She said she went to Gulfton with an unknown and  
10 unidentified associate. She said she didn't know what kind of  
11 clinic it was before she got there. She said that money is  
12 tight, and it's hard to come up with \$300. Sometimes she had to  
13 take a loan to pay those \$300. And she went every month but  
14 only took 60 pills. And when I asked her what she did with  
15 those other 60 pills, she said threw them out.

16 Dr. Craig wrote the prescriptions; Shane Faithful  
17 wrote -- made the rules. They both got the cash every day.  
18 Partners in Gulfton; partners in crime.

19 Judge Hittner has already instructed you on the  
20 law. So, I just want to apply the law to the facts of this  
21 case. The first element of the conspiracy is an agreement to  
22 unlawfully distribute a controlled substance. That agreement  
23 was proven by evidence of each day Shane Faithful and Dr. Craig  
24 going to Gulfton or working at Gulfton or setting the rules at  
25 Gulfton or enforcing the rules at Gulfton, and each time they

1 took home an envelope stuffed with cash.

2                   The second element is that they knew of the  
3 unlawful purpose of this enterprise. The facilitators, ladies  
4 and gentlemen, Craig and Faithful's real customers at Gulfton  
5 clinic. Faithful knew it. It was his term. He had to approve  
6 any time a facilitator wanted to replace a patient or they  
7 wanted to give that person a store credit.

8                   Dr. Craig knew it. She had to initial all of the  
9 credit cards. They knew who their customers were. Ericka Hayes  
10 knew within a month. She was fresh out of MA school, but she  
11 figured out what was going on. Dr. Craig and Shane Faithful ran  
12 the clinic for two and a half years. How could they possibly  
13 claim they didn't know what was going on? Think of all the  
14 steps they took to avoid detection that I went over a few  
15 minutes ago.

16                   Now, during trial, Mr. Lewis has continually  
17 emphasized this idea that pain is subjective as if to say that  
18 because pain is subjective you have to believe every word out of  
19 a patient's mouth. But the two doctors who testified last week,  
20 Dr. Owen and Dr. Dhatt, testified that because pain is  
21 subjective, the physician has to work even harder; that when  
22 somebody reports pain, they have to dig; that when Dr. Dhatt  
23 treated Amanda Robinson and Reginald Sedberry, he dug and didn't  
24 prescribe them hydrocodone. You can't just take the patient's  
25 word for it. The risks are too high. Amanda Robinson's story

1 tells you that.

2                   And finally, as to their knowledge, Dr. Craig  
3 testified yesterday that she got a copy of every single sign-in  
4 sheet every day. Remember the sign-in sheet that I put up on  
5 the board. Two days in a row it mentioned Tywoo replacement  
6 credit. That was the sign-in sheet that Dr. Craig got back in  
7 her office. And now, she's telling you she didn't know.  
8 Partners in Gulfton; partners in crime. And as partners in  
9 crime, they're both guilty of each other's crimes.

10                   Dr. Craig distributed controlled substances by  
11 writing prescriptions for Norco and Soma without a legitimate  
12 medical purpose and outside the scope of professional practice.  
13 As a co-conspirator and somebody who assisted her in the  
14 operation, Shane Faithful is as guilty as if he was the one  
15 holding the pen. As partners, they acted together, they  
16 profited together, and they should be convicted together.

17                   In his opening statement, Mr. Williams told you  
18 to pay close attention to the sources of the evidence. I agree.  
19 Look at all of the sources of the evidence that the Government  
20 brought you in this trial. Special Agent Graham set the scene.  
21 You saw the video. You saw the way she saw it.

22                   You learned the insider's perspective from Ericka  
23 Hayes and Loren Phillips, how Craig and Faithful relied on the  
24 facilitators for almost all of their income. That testimony was  
25 corroborated by document after document, expense reports,

1 sign-in sheets, and envelopes seized from Shane Faithful's  
2 house, from the clinic, and envelopes seized from Dr. Craig's  
3 house. You heard the perspective of Davis Webster who  
4 previously operated a pill mill. He testified that he knew as  
5 soon as he came in what was going to happen, and that is what  
6 happened.

7                   Then, you saw the why of all of this. The cash.  
8 We don't have to prove the why, ladies and gentlemen. But we do  
9 because it helps show the motive for this crime. You saw  
10 \$180,000 displayed on Mr. Faithful's bed that had been seized  
11 from his house, almost \$40,000 from Dr. Craig's.

12                   You learned the volume of Dr. Craig's prescribing  
13 through Agent Mills and the Prescription Monitoring Program.  
14 And why is that volume important? It shows that this is not a  
15 mistake, that Dr. Craig prescribed the same drugs to everyone  
16 over two and a half years, willfully and intentionally doing it  
17 every single day.

18                   And then, you saw and heard about the real  
19 dangers of the Defendants' crimes. Paul Fernandez, Amanda  
20 Robinson, Reginald Sedberry, and Charlotte Mason; and that was  
21 put into the medical context by Dr. Dhatt and Dr. Owen.  
22 Remember what Dr. Dhatt said when I asked him why he didn't  
23 prescribe Amanda Robinson with Norcos. He said it would be a  
24 disservice to her, that she's an addict.

25                   And you'll notice over there on the side, as I

1 talk about sources, what we've written here are the exhibit  
2 numbers and what they correspond to. Exhibits 2 and 3 were  
3 taken from Dr. Craig's house. So, that's envelopes and  
4 photographs.

5                   The 200s are the evidence taken from Shane  
6 Faithful's house. Those are the expense reports, the sign-in  
7 sheet, the envelopes stuffed with cash, and the cards for store  
8 credit given to facilitators.

9                   And then, the 300s are all of the items that were  
10 seized from the clinic, all the sign-in sheets, the cards for  
11 store credit, and the photographs of the cash, the photographs  
12 of the rules that they put in place, the rules that said it was  
13 inappropriate to prescribe Soma and Norco together.

14                   Ladies and gentlemen, we all want to believe that  
15 we can trust physicians. We rely on them to treat us. We rely  
16 on them to treat our loved ones. We rely on them to get us  
17 better when we're ill. When they violate that trust, we hold  
18 them accountable.

19                   Dr. Craig violated the trust that was put in her  
20 as a doctor. All of Shane Faithful's and Gazelle Craig's  
21 actions in running Gulfton were either designed not to get  
22 caught or to make more money. Gulfton clinic was a drug  
23 trafficking organization masquerading as a medical clinic.

24                   Shane Faithful set the rules; Gazelle Craig wrote  
25 the prescriptions. Partners in Gulfton; partners in crime.

1 They're guilty of all counts as charged. Convict them, ladies  
2 and gentlemen.

3 THE COURT: All right. You've used about 52 and a  
4 half minutes, okay?

5 All right, ladies and gentlemen, we'll take a  
6 break at this time. It's about right at 3:45. We'll get right  
7 back at 4:00 o'clock. See you in 15 minutes.

8 THE COURT SECURITY OFFICER: All rise for the jury.

9 (The jury recessed at 3:45 p.m.)

10 THE COURT: Just before we started up, there was a  
11 reminder about a ruling. I made it orally in front of the jury;  
12 but again, just to be clear, Mr. Williams' motion for mistrial  
13 is overruled.

14 All right. We'll see you back in 15 minutes.

15 Ellen, you took the one out.

16 So, there are now 13 names in that box. If you  
17 want to check it, do it during the break. I'll double-check it  
18 as soon as we begin with the defense case. I'll go double-check  
19 again for you.

20 All right. See you in 15 minutes.

21 (Court recessed at 3:46 p.m.)

22 (Court resumed at 4:06 p.m.)

23 THE COURT: All right. The defense has a total of 80  
24 minutes, ladies and gentlemen. Then, we'll hear the remaining  
25 part from the Government; and then, we'll wrap it up.



1 MR. WILLIAMS: May I proceed, your Honor?

2 THE COURT: Yes, sir, go right ahead.

3 MR. WILLIAMS: Thank you.

4 Ladies and gentlemen of the jury, first of all, I  
5 want to thank you-all for serving. Jury duty, I hear questions  
6 from my friends all the time: "What can I do to get out of jury  
7 duty?" And I always tell them to go serve, okay, because we  
8 always -- nobody wants to serve until it's somebody close to  
9 them. It's their loved ones. And then, they get a jury and  
10 say, "Oh, I didn't like that jury." Well, if you don't serve,  
11 you can't complain.

12 I appreciate each and every one of you-all for  
13 serving. We've been here eight days now. I look at you every  
14 day. I see the attentiveness that you've provided for my  
15 client, Mr. Faithful; and without you, we don't get a day in  
16 court. And we appreciate you being here.

17 Now, let's go back to the beginning when I  
18 opened. I told you from the beginning you have to consider the  
19 source of the particular evidence that this Government is going  
20 to bring. I told you that there are going to be paid  
21 informants. I told you there are going to be convicted felons,  
22 okay. I told you that there are going to be people who have a  
23 direct stake in the outcome of this. And you've seen that from  
24 all of these witnesses, each and every one of them.

25 Now, I also told you you're going to get bits and

1 pieces from the Government. I told you they're going to play  
2 you a little snippet of this, okay. I told you that. You've  
3 seen that. They did it all trial. They've done it in closing  
4 arguments. They give you a little piece of it.

5               Now, you've heard the evidence. However, let me  
6 explain something to you right now. You didn't hear all of the  
7 particular evidence, and you still have an opportunity to do it.  
8 Okay. We have an exhibit list that's been filed. All of this  
9 stuff has been admitted into evidence, and you can ask for any  
10 of it that you want to review. Those tapes that you've been  
11 hearing portions of, I submit to you ask for them and listen to  
12 the whole tape.

13              Now, the problem that the Government has is the  
14 same problem that I have in terms of playing these whole tapes,  
15 okay. The problem is we're under an order from this Court as to  
16 time. If we spend an hour, two hours listening to the tapes,  
17 looking at pole cams, it cuts into the time that we want to  
18 present our evidence. As a result, we don't play it all. But  
19 until you hear it all, it doesn't make a lot of sense.

20              You've heard portions of what Mr. Faithful said.  
21 You've heard portions of it. I submit to you when you go back,  
22 ask for the evidence. You can get it. You can listen to it. I  
23 know that's tough to do sometimes. Sometimes you just figure I  
24 don't want to hear all that, I've heard enough. But if you  
25 don't hear it all, it's difficult to render the correct verdict.

1                   So, I submit to you, even though you've heard  
2 evidence because you heard it from the witness stand -- you're  
3 not going to get any more evidence from the witness stand; but  
4 you are allowed to ask for certain things, okay, that are  
5 already in the particular evidence, all right.

6                   Now, the judge has given you -- charged you. He  
7 spent 35 minutes reading this 42 pages of documents, and I  
8 submit to you you got some homework to do. You got some  
9 homework to do. This is the law. This is the charge that his  
10 Honor has given you. You got to follow it. You got to follow  
11 it.

12                  There's some things in here that give you a clear  
13 roadmap as to what you do when you examine the particular  
14 evidence. Your job now is to take this law and apply the  
15 evidence to this law to determine if, in fact, Mr. Faithful is  
16 guilty of what they've charged him with.

17                  Now, I know it's long. I know it's a lot of  
18 stuff in here; but you got to read it because, if you don't  
19 understand the law, you can't apply the facts; and I want to  
20 just point some of those things out to you, okay.

21                  Now, number one, you-all are the jury; and what  
22 the jury does is assess the particular evidence. There's  
23 something called a presumption of innocence. Mr. Faithful is  
24 innocent, okay. They have to prove each and every element that  
25 his Honor has given to you-all. How do they have to prove it?

1 They have to prove it beyond a reasonable doubt.

2                   Now, I'm sure you've heard that all your life,  
3 beyond a reasonable doubt. This judge is going to give you a  
4 clear and concise definition as to what that is. You pay  
5 attention to it. It's the last paragraph on page four. And it  
6 reads: Reasonable doubt is based -- is a doubt based upon  
7 reason and common sense after careful and impartial  
8 consideration of all the evidence in the case. That's why I'm  
9 telling you you have to listen to those tapes to hear all of it.  
10 You can't just listen to one part of it because it's deceptive,  
11 okay. It only gives you part of it.

12                  Now, proof beyond a reasonable doubt, therefore,  
13 is proof of such a convincing character you would be willing to  
14 rely and act upon it without hesitation in making the most  
15 important decisions of your own affairs. That's what reasonable  
16 doubt is. I submit to you that's a high burden, a high burden.  
17 It's not easy to do, okay. But you have to look at this  
18 particular evidence and make a decision if, in fact, you believe  
19 the evidence that the Government has given you beyond a  
20 reasonable doubt.

21                  Now, the judge has also given you some  
22 instructions regarding accomplice, informers, immunity, okay?  
23 Now, what that applies to is people who have been paid, people  
24 like Loren Phillips, okay? All right. People like Graves Owen,  
25 all right? Think about that. He's going to charge you, and

1 he's going to tell you the testimony of these particular people,  
2 okay, must always be examined and weighed by a jury with greater  
3 care and caution than the testimony of an ordinary witness.  
4 Keep that in mind when you think about who's presenting this  
5 evidence to you, okay?

6                   Now, you, the jury, must decide whether the  
7 witness's testimony has been affected by these circumstances,  
8 okay. By the money that's been paid, okay. By the witness's  
9 interest in the outcome of the case, okay. By prejudice  
10 against the Defendants or by benefits that the witness has  
11 received either financially or as a result of being immunized  
12 from prosecution, meaning we aren't going to charge you. Okay?  
13 Think about that when you evaluate the particular evidence  
14 that's been brought to you.

15                   There's also one in here which deals with plea  
16 agreement. That goes directly to Davis Webster. Okay. All  
17 right. It's on page 11. I don't have enough time to go into  
18 all of this because I only have 40 minutes. It sounds like a  
19 lot of time; but before you blink, I'll be sitting down again.

20                   Now, understand what summation is. The summation  
21 that I'm giving you is what I believe the evidence shows, and  
22 I'm not trying to deceive you. I'm not trying to mislead you.  
23 I'm going by my memory. It's been a long trial. It's been  
24 eight days, okay. Things -- we've been here a long time, okay.  
25 Sometimes, I forget things. Sometimes, what somebody said, I

1 may misconstrue; but what I want you to do is rely upon your own  
2 understanding, okay.

3           You've heard from Mr. Helfmeyer regarding his  
4 particular view of what happened. He's given you 52 minutes of  
5 what he believes happens. Some of the characterizations I  
6 disagree with. But it's going to be up to you-all to determine  
7 what you heard from the witness stand and what you evaluate from  
8 all these particular witnesses, all this particular evidence  
9 that's on this particular exhibit list.

10           Now, let's talk about the source of this  
11 particular evidence. Let's talk about the sources of the  
12 evidence. Now, you've had special agents. You've had  
13 confidential informants. You've had paid experts. You've had  
14 patients, and you've had convicted felons. Let's take them in  
15 the order. Let's take them in the order.

16           First person I would like to talk about is Loren  
17 Phillips. The Government's paid what they call a confidential  
18 source. I call her a snitch, basically. They're paying her.  
19 Think about it. They've been telling you in summation it is so  
20 hard to infiltrate this particular organization. But then,  
21 think about the dates. Think about the particular dates. It's  
22 so difficult to get in here.

23           But they decide to pay Loren Phillips on March  
24 1st. Davis Webster goes in March 10th. March 10th. Now, prior  
25 to that, they sent two other people in who couldn't get in.

1 Davis Webster had no problem getting in. Tonya Graham had no  
2 problem getting in. But they want you to believe that it was so  
3 tough that we just had to pay this person money so we could  
4 figure out what's going on.

5 Now, let's talk about Loren Phillips. From the  
6 beginning, her testimony was a lie, first time she called, she  
7 lied. She lied. She said, "I'm" -- "I got a friend who works  
8 in a particular clinic," okay. We asked her about that. "Well,  
9 I was scared," okay. Now -- but somewhere along the way she  
10 stopped being afraid. She stopped being afraid.

11 Now, when I asked her about that date that she  
12 decided that she finally wanted to call, what does she come up  
13 with? "Well, I had a talk with God, had to determine what side  
14 I wanted to be on." All of a sudden, you wake up one day and  
15 God tells me this is what I got to do.

16 Now, obviously, early on, the Government decides  
17 we might be able to use her. So, what do they do? They present  
18 her options. Ladies and gentlemen of the jury, what's wrong  
19 with the option of if, in fact, what you're saying is true,  
20 stand on your convictions? When you start paying people, you  
21 create a whole other bias that can't be overcome.

22 They created that with her; and from the  
23 beginning, it was chaos. I asked her, "When did you first  
24 call?"

25 "December 28th, 2016."

1 "Next time you see them?"  
2 "Saw them in February."  
3 "How long did you see them?"  
4 "Oh, about five minutes."  
5 "What did you-all talk about?"  
6 "Well, we just got familiar."  
7 "When is the next time you had a face-to-face?"  
8 "March 1st."  
9 "March 1st, what happens?"  
10 "Well, now, all of a sudden, I'm signing an  
11 agreement."  
12 And again, this agreement is part of the  
13 evidence.  
14 You can pull it up, okay.  
15 You can pull it up.  
16 It's going to be Government's Exhibit Number 602.  
17 Write that down. Pull that and look at it and read it, okay?  
18 All right. It's there. It's part of your particular evidence.  
19 It's difficult for me to go through all of that in the time  
20 allotted by this particular Court. But it's there. It tells  
21 you everything.  
22 I asked her a few questions about it, okay; and  
23 when we pulled that up, I asked her about some specific  
24 questions about it. I asked her about the part which says  
25 you're not to destroy evidence, you're not to obstruct justice,



1 et cetera, et cetera. It's in the agreement. Please pull it.

2 Please look at it, all right. And I asked her about it.

3 And she does a wonderful job. When Mr. Armstrong  
4 asked her questions, she goes right down the line, okay. But  
5 for me, getting her to answer a simple -- a question as simple  
6 as "Did you lie to the Government when you first called and said  
7 that you were somebody else?"

8 "I don't think so. I don't remember that. I  
9 wouldn't look at it that way." I had to ask her the same  
10 questions three or four times just to get an answer, a simple  
11 answer.

12 Now, the judge has charged you, also -- there's  
13 some things in this particular charge that shows you how you  
14 judge credibility of witnesses. They're in this jury charge,  
15 okay. Take a look at it. That's why I'm saying you have to do  
16 your homework. You have to read the charge to understand how  
17 you take in the particular evidence that's been presented and  
18 how do you evaluate the evidence that you can still get, okay?

19 Now, she comes in, she talks to them, okay. I  
20 asked the particular agents did you-all take DEA-6s? Now, what  
21 that is is a report that they make which memorializes the events  
22 that happened at that particular time so you can remember what  
23 goes on, okay. They put all the relevant stuff in there  
24 because, let's face it, this stuff happened over a year ago.  
25 You can't remember everything. But you can always refer to your

1 report.

2                   Now, they have several of those reports; but  
3 interesting enough, when it comes to her providing evidence,  
4 it's nowhere recorded. Nowhere in any of these reports are they  
5 reporting what they're bringing. Now, obviously, there's got to  
6 be protocol from DEA as to how you take evidence.

7                   And for anybody to testify that this girl wants  
8 to come in with evidence, documents that we don't inventory, we  
9 don't mark, we don't look at, we allow her to suggest to us, you  
10 take them back -- "I'll take them back, I'll put them on a thumb  
11 drive, and I'll bring them back to you."

12                  Now, I asked about when did she bring them back?  
13 Nobody knows. Maybe in March, maybe in May, maybe -- what's the  
14 problem with this? But the testimony is I put them on a thumb  
15 drive or bring them back. The testimony from Special Agent  
16 Mills is "I downloaded them and I give the evidence back to her,  
17 give the thumb drive back."

18                  I asked her, "Where is that thumb drive?" She  
19 still doesn't have it. So, how am I to know if what she put on  
20 that thumb drive mirrors what the documents are if you don't  
21 inventory them. That's done on purpose.

22                  You mean to tell me DEA agents, our government,  
23 doesn't have enough sense when somebody brings you some evidence  
24 to mark it and say, "Okay, here it is, all right. This is what  
25 she brought on this particular date, okay. We made copies of

1 it, we mark it, and here it is. We keep the original  
2 documents." That way, if there's a thumb drive, I can compare  
3 the original documents to what they have. Don't do it that way.  
4 But when she comes in on that particular day, bingo, "Got a  
5 check for you."

6                   Now, mind you, this is March 22nd, after Davis  
7 Webster has gone in, after the date that they claim is so  
8 difficult to get inside of this particular clinic. All right.  
9 Now, so, what happens next? She continues to provide  
10 information to the government. They link up text messages with  
11 her, okay. Link them up. These are evidence, too. You can  
12 pull them. You can get them, okay.

13                   And if you look at them closely -- and I advise  
14 you to look at them -- it's going to show you what's going on  
15 with Ms. Phillips and these particular agents. She's  
16 consistently providing things to them while attempting to hide  
17 her particular identity the whole time.

18                   Now, we eventually get these particular  
19 documents. They bring them back, put them on the thumb drive  
20 that we still don't have, and then she brings the blue bag of  
21 documents which she claims to be original documents. I asked  
22 her -- took them up to her, "These are the particular  
23 documents?"

24                   "Yes, they are."

25                   That's why I published it to you. She said

1 they're all original -- in original ink. That's why I gave them  
2 to you. That's why you're the judges of the facts. You  
3 determine if they're, in fact, the original documents. The  
4 point I'm getting at, you can't rely on those documents because  
5 we don't know when they were created, where they were created,  
6 if they're originals or not, or where that particular thumb  
7 drive is that allegedly was downloaded to produce these  
8 documents.

9                   Now, anybody can reproduce documents; and I  
10 submit to you, again, that's evidence; and if you want to see it  
11 again, you can. And I submit to you to look at it real closely.  
12 There are some original receipts, okay? Office Depot, I can  
13 remember. There's some other documents there, okay, that are  
14 originals.

15                   These so-called facilitator cards looked to be  
16 original, but these expense sheets are not original documents.  
17 It's ripe for fraud. It's ripe for deception, and the  
18 Government cannot tell you-all where these documents are, when  
19 they got them, okay, and when she produced them. For all we  
20 know, they were produced after the raid. We don't know.

21                   And why don't we know? They didn't document it.  
22 Something as simple as that, as simple as that. Mr. Armstrong  
23 admitted that in his opening. "Oh, they made some mistakes."  
24 Uh-uh. These are seasoned government agents. They know better.  
25 They know better. But once they made up their mind that "We

1 want to get to Shane Faithful," they did whatever they thought  
2 they needed to do to get to him.

3                   And the first thing that they did was get in bed  
4 with Loren Phillips who's, basically, the devil herself; and  
5 now, they're beholden to her. So, what do they have to do?  
6 They have to do whatever they can to clean her up and make her  
7 credible. I think after seeing her testify on the particular  
8 witness stand, there's nothing credible about her at all.

9                   So, what does the Government do? They go out and  
10 miraculously find Ericka Hayes less than 30 days ago to come in  
11 and clean up Loren Phillips. And if you notice -- if you look  
12 at the particular evidence, that's going to be a pattern with  
13 the Government. For every person that they know they have a  
14 problem with, they go find somebody else to try to prop them up.  
15 But right now, we're dealing with Loren Phillips and Ericka  
16 Hayes.

17                   Now, obviously, Ericka Hayes is a liar.  
18 Obviously, she's a thief, okay. Obviously, she allegedly made  
19 recordings; but when she turned those recordings over -- those  
20 recordings allegedly made back in June, July, when did the  
21 Government get them? They got them this year. When did  
22 Mr. Gainer listen to them? Two weeks ago.

23                   So, you know, if he didn't listen to them until  
24 then, when did I get them? Last minute. All of a sudden, we  
25 got these people to corroborate things. Here they are. That's

1 why I went into that questioning regarding the resources of the  
2 Government. Because they act like, "Oh, we just can't find  
3 anybody, okay. We can't find them." But we found them. We  
4 found patients. They can't find anybody. They found one  
5 patient. But we'll get to that. Let me not get ahead of  
6 myself.

7                   So, Loren Phillips. We know she's a thief. She  
8 stole the computer, okay. And but for that tape, her lie would  
9 have stood. Oh, I didn't take -- "I didn't take a computer."  
10 But what did she say on the tape? "Oh, he may have paid for it  
11 but that's my severance pay."

12                   Now, anybody who has ever worked understands you  
13 don't get severance pay when you quit. She stole that computer,  
14 okay. I asked her about those particular documents. "Well, I  
15 was supposed to take them home and shred them." Take them home  
16 and shred them? But you made three copies, and you were taking  
17 them home every day, according to you -- according to her  
18 testimony.

19                   I submit to you that a reasonable deduction from  
20 this evidence was she set this up long before and was planning  
21 her exit strategy. Now, why did she do it this way? Think  
22 about the particular testimony. She testified as to she was  
23 making these particular sheets. The problem with the sheets is  
24 they have Shane Faithful and Dr. Craig's name under the bottom  
25 of it. Every one that she brings to you, okay?

1                   The ones that they allegedly found elsewhere  
2 didn't have that on it. All right. I asked Special Agent Mills  
3 about that. There may have been a few. I asked him to look for  
4 them. Okay. Now, you can -- you can -- I'm asking you to  
5 continue your deliberations by looking at the evidence.

6                   It's more than just what was presented from the  
7 witness stand. There are lots of things that they're not going  
8 to show you. They don't want you to see them. They don't want  
9 you to make the particular comparison. They want to give you  
10 what they want to give you in an attempt to get Mr. Faithful by  
11 any means necessary.

12                  So, we've dealt with Loren Phillips. Then, I  
13 asked -- the last question I asked, I asked her about an e-mail  
14 -- I'm sorry, a text message that she sent to somebody with DEA,  
15 okay?

16                  Judge, could we turn this Elmo on, please.

17                  I asked her about that. "No, I never told them  
18 anything like that. I never did anything of that sort." Now,  
19 this is the text message I'm talking about. I believe if Shane  
20 and Dr. Craig are told that DEA came to my house and removed  
21 those accounting sheets and subpoenaed me, they'll rethink going  
22 to trial.

23                  Who's running the show here, ladies and  
24 gentlemen? Who's running the show? But she said, "I just made  
25 a suggestion." Well, what's the suggestion? The suggestion is

1 a lie. They lied to Shane Faithful, lied to his lawyers about  
2 where the source of this evidence came from; and they can lie  
3 about it real easily. Why? Because it's not documented.

4               Now, there are several of these. We can go  
5 through them all day, okay. We got -- I've got several pages of  
6 these that you can get. Any time you want them, I've got them  
7 right here. They're part of the evidence. They're part of my  
8 exhibits. They're in evidence, and you can look at them all. I  
9 don't have time to go through them all, but they're here, and I  
10 want you to look at them. I want you to look at them very  
11 closely.

12              Now -- so -- you can turn the lights back on,  
13 please; and you can keep this up. I'm going to use this again,  
14 but I like the lights. Thank you.

15              So, since we know -- and the Government knows it  
16 as well as I do -- that Loren Phillips' credibility is zero, we  
17 have to come in and try to prop her. Who do we prop her up  
18 with? Ericka Hayes. Where has Ericka Hayes been during this  
19 whole investigation? She shows up two, three weeks ago.

20              She testifies. She testifies about everything  
21 she thinks is going on in this particular clinic. She tells you  
22 that "I worked in the back. I worked in the front, okay. I saw  
23 everything going on, okay." Now -- but you have to listen  
24 closely because when people's testimony are scripted, sometimes  
25 they lose thought of things. Two key things: When I asked her



1 on cross-examination about facilitators, "I've never heard  
2 anybody use that word."

3                   What did Loren Phillips tell you? "Oh, that's  
4 Shane Faithful's word," okay. She didn't say anything about  
5 runners. She didn't say anything -- what was her word? They're  
6 drug dealers. "When did you formulate this?"

7                   "Well, I was there for a little while; and it  
8 didn't take me long to formulate it."

9                   "What did you do about it?"

10                  "Well, I just wanted to get another job and  
11 leave."

12                  Okay. When I asked Dr. Craig did anybody from a  
13 hospital call to get a reference for her about a job, it hasn't  
14 happened. Okay? When I asked her about is she working now, she  
15 says no. I can respect that. I asked her why. She said  
16 personal. And I understand that. I didn't badger her. I  
17 wasn't going to treat her like these agents treated Ms. Magana,  
18 go to her house, knock on the door, "I'm not going to leave  
19 until you tell me what I want to know."

20                  I'm not going to treat her like that. But that's  
21 what we're getting from the Government. That's what we're  
22 getting. And again, in all of these particular conversations,  
23 they give you what they want you to have. And why do they do it  
24 that way? Because they're the federal government, and they hit  
25 that stand under the color of "I'm here to protect and serve,

1 all right; and you're going to believe me over anybody else  
2 because I'm the government."

3                   Why would this lady have a reason to lie to them?  
4 Why would she have a reason to lie about somebody coming to her  
5 door. She tells them, "I don't want to talk to you." Now, all  
6 of a sudden, it turns into "I'm not going anywhere, okay.  
7 You're going to talk to me. I'm going to stay here as long as I  
8 have to to get what I need." That's the way the government  
9 operates, all right?

10                   What happens is the easiest way to get around  
11 that is pull your cell phone out, pull it out. "I'm here. I'm  
12 from the government. Here's my ID," click. Then, we don't have  
13 these disputes. We don't have those disputes because we have  
14 it. But have you heard -- the only recording you've heard here  
15 is Shane Faithful, okay.

16                   By the way, another point with Ericka Hayes.  
17 Loren Phillips says a person by the name of Olivia Caldwell made  
18 that particular tape. "Well, how did you get it?"

19                   "She sent it to everybody in the clinic."

20                   I asked Ericka Hayes. "I never got it."

21                   "Do you remember those meetings?"

22                   "Yeah, I remember the meetings. I never got it."

23                   Now, when you script testimony, which she did --  
24 and I asked Dr. Craig why did you fire her. Insubordination.  
25 If you listen to her testimony, she knows everything; and the

1 most damning part about any of her testimony is "I can look at a  
2 person and tell they're in pain." Okay?

3                   She's not a doctor, hasn't been trained; but she  
4 knows, okay. You can see why she was let go for  
5 insubordination. And by the way, when you listen to that tape,  
6 that's what Shane Faithful is talking about, insubordination.  
7 He's not going to tolerate it. The Government wants it to be a  
8 democracy. I don't know where you work. But everywhere I've  
9 ever worked, if you got a boss, you're going to do what the boss  
10 tells you or there are consequences.

11                   Again, the pattern. Loren Phillips got to be  
12 propped up by Ericka Hayes. And Ericka Hayes has an ax to grind  
13 with this particular clinic, too, because they let her go for  
14 being insubordinate; and she's saying, "I still don't know why,"  
15 all right.

16                   Now, Davis Webster, a confidential informant  
17 since 2006, a confessed drug dealer, confessed convicted felon,  
18 comes in here attempting to reduce his sentence. So, what does  
19 he do? The day he pleads guilty, he signs another confidential  
20 source agreement with the Government. He had already had a  
21 number in the system because he had one since 2006. He's done  
22 this before.

23                   THE COURT: 30 minutes has gone past.

24                   MR. WILLIAMS: Okay.

25                   Been on the streets all this particular time,

1 knows all the particular players. They send him in.

2                   The Government knows if they're going to use him,  
3 they better have some backup because he's a convicted felon.  
4 What happens the first time? No batteries. No batteries. Get  
5 the script, but we don't know what happened.

6                   Goes in the second time. What's relevant about  
7 him: Each time he goes in, he deceives the doctor in the same,  
8 "Look, this is my problem. I need the meds." Okay. She  
9 evaluates him, gives them to him. Who do they prop his  
10 testimony up with? Tonya Graham.

11                   She does the same thing. She goes in and gets  
12 what she needs, okay. But miraculously, she's got PMP history  
13 somewhere, too, under the alias, okay; and they're all going in  
14 for the specific purpose of deceiving the particular doctor.

15                   Now, the problem with all of this is nobody has  
16 ever testified that Shane Faithful was aware of the care that  
17 Dr. Craig was giving the particular patients; but they want to  
18 say it's a conspiracy. How do they want to do it? They want to  
19 tie it to these sheets, want to run you down the rabbit trail.  
20 Look at all this money. You had to know. Okay.

21                   All of these things that even he admitted to you.  
22 He doesn't have to prove that. He's putting that up there for  
23 bias, to make you-all think, oh, that's a whole lot of money  
24 that they found so he must have known something that was going  
25 on was wrong. But there's been no testimony from anybody, Loren

1 Phillips or Ericka Hayes or anybody else, that he was aware of  
2 what was going on in that room.

3 Now, got to speed up. Time is short. I told you  
4 it would go like this, and it's almost gone.

5 So, next witness, Graves Owen, \$22,000 paid  
6 informant, AKA expert. Where does he come from? He comes from  
7 -- testifies that, "Hey, every time I testify for the  
8 Government, I never found a standard of care." That's why they  
9 pay him so much.

10 Well, the Government knowing that, how do we prop  
11 him up? Let's go find Dr. Dhatt. When did he show up? Less  
12 than 30 days ago. 30 days ago, okay. He comes in and testifies  
13 to, "Oh, I knew these particular patients," okay. They want you  
14 to believe he sets the standard of care. But what did he tell  
15 you? I don't do pain. I don't write any of that. And more  
16 overview, they can't prove that she knew about the conditions of  
17 these patients that they brought him in to testify about.

18 Now, Mr. Fernandez. He comes in. He tells you  
19 he deceives the doctor, been deceiving the doctor forever. Now,  
20 has cirrhosis of the liver. They want you to believe that,  
21 okay, had she -- had she ordered the particular records, she  
22 would have known this; but even with all of this, he tells you,  
23 "I deceived the doctor. Why did I do it?" He told you how it  
24 worked.

25 Facilitators come get me. They pay me. I get

1 the hydrocodone, Soma, and the ibuprofen. I keep the ibuprofen  
2 because it helps me, because it helps me. He knows he's not  
3 going to take this. He never tells her he's diverting it. He's  
4 getting what he needs and giving the others away. That's a  
5 win-win for him. He's a victim. He's a victim. These runners  
6 are taking advantage of him. Just like he's taking advantage of  
7 Dr. Craig. That's how it works.

8                   Now, Ms. Magana, Ms. Goulsby, they come in and  
9 testify "What she's giving me is helping me." But the  
10 Government wants you to believe that all of these scripts are  
11 wrong, all of them. Now, Mr. Fernandez has runners. Let's talk  
12 about these particular runners. Let's talk about how they're  
13 implicit in this. Everybody is talking about 99 percent of the  
14 people there are coming from these particular runners AKA  
15 facilitators.

16                   Do the math. Look at these particular  
17 appointment books kept by Loren Phillips. Look at the  
18 appointment books very carefully. Do the math. They're saying  
19 99 percent; but when you look at the sign-in sheets and you look  
20 at how many patients were brought by these particular  
21 facilitators, nowhere close to 99 percent.

22                   Now, ask yourself why would she keep these in her  
23 appointment books? She had the relationship with these  
24 so-called facilitators and runners, and she wanted to make sure  
25 she knew how many were coming in each day so they could pay her.

1 She had her own little hustle going on inside of this; and  
2 Dr. Craig didn't know; and obviously, Mr. Faithful didn't know  
3 because he wasn't there.

4                   So, how do they want to tie that to him? Well,  
5 they got these facilitator cards. Look at the facilitator  
6 cards. It doesn't make a lot of sense either. It has  
7 Dr. Craig's initials on it. The Government wants you to believe  
8 that they're partners but you got to call Shane Faithful in  
9 order to get it.

10                   What sense does that make? If the doctor signs  
11 off on it, why are you calling him? That's Loren Phillips  
12 propping up the testimony because the only way that they could  
13 try to get to him is through her.

14                   Now, you want to talk about a conspiracy, I'll  
15 give you one. The Government's conspired with Loren Phillips,  
16 Davis Webster, Dr. Graves Owen because they want to get to Shane  
17 Faithful.

18                   Let's talk about aiding and abetting. These  
19 particular agents here aided and abetted. Every time I asked  
20 somebody something about Loren Phillips, they come clean her up.  
21 "Oh, she was afraid," okay. "Oh, she wasn't suggesting it. She  
22 was doing it because she was afraid of this." Did she appear to  
23 be afraid on that particular tape she was making? Did she  
24 appear to be afraid here? Her goal in this is to testify to  
25 make the money.

1                   The Government is playing Robinhood. They're  
2 taking monies from people who work and earn their money running  
3 the clinic and giving it to paid informants. Didn't cost them a  
4 dime. Didn't cost them a dime. Then, they want you to believe  
5 these particular people.

6                   Now, I'd submit to you that this evidence just  
7 stinks. It reeks with a conspiratorial flavor that's created by  
8 the Government. I submit to you that, once they ran the initial  
9 PMP report and saw the initial things going out, okay, and when  
10 they had the investigation started, they figured out we got to  
11 get them and we'll get them by any means necessary; and they've  
12 used any means necessary by using paid informants, paid experts  
13 and convicted felons to bring a case against Shane Faithful.

14                  Now, again, there's been no evidence that he was  
15 aware of her particular medicine. You have to -- in order to  
16 get to him, you have to believe that he knew what she was doing.  
17 I asked her about that. Did Shane Faithful ever talk to you  
18 about her medicine? No. But they want to use Loren Phillips to  
19 get to him. They want to use Ericka Hayes to get to him.  
20 That's it.

21                  I've been sitting here all eight days, and I'm  
22 rather shocked at what I have to do because I don't have a whole  
23 lot of questions regarding Shane Faithful. Most of the evidence  
24 in this case comes from -- involves Dr. Craig and her particular  
25 medicine. And nobody here would be able to testify that he knew



1 what she was doing in that particular room. All right.

2 And who is he to question her medicine? Just  
3 like who are you to question a doctor's medicine. They want you  
4 to believe that anybody could do this, anybody could figure this  
5 out. If they could, then why are they paying Graves Owen  
6 \$22,000? Why are they going out the last minute to try to find  
7 another doctor to prop up his testimony?

8 If it's that simple, present the evidence as it  
9 is and ask you to act upon it. They haven't done that. They've  
10 cut a deal with paid informants and convicted felons in an  
11 effort to get to Shane Faithful, and it doesn't rise to the  
12 level of beyond a reasonable doubt.

13 Now, I just hope you're not the type of people  
14 that believe the last thing they say. Unfortunately, the rules  
15 are set up. Mr. Armstrong has been going first the whole time.  
16 The rules are at the end he gets to go last. I submit to you to  
17 go back, listen to all of the particular evidence. Don't be  
18 swayed by the snippets that the Government has given you.  
19 Listen to the entire tape.

20 We apologize if we didn't have enough time to  
21 proffer it out there. If we had had another month, you would  
22 have heard a whole lot of things. Who wants to be here for a  
23 month? I can respect the Judge's decision as to giving us time  
24 limitations, and we have to -- we have to put our case on based  
25 upon the time limits that he gives us, and that's why you don't

1 have it all. However, I urge you to go back and listen to the  
2 evidence. Go back and look through the particular documents.  
3 It's painstaking, but my client's life is depending on it.

4                   And you've listened. You've been attentive. And  
5 I ask you to give a little more and look at all of this  
6 particular evidence; and I think once you evaluate it all and  
7 see it all, you'll understand that the source of the evidence  
8 stinks; and as a result, you can't say beyond a reasonable doubt  
9 that Shane Faithful engaged in a conspiracy with Dr. Craig. You  
10 can't do it. That's why they keep running you around the things  
11 that don't matter, to make it appear that, "Oh, this is so bad.  
12 This is what's going on."

13                   Now, I believe my time is about up; and I'd ask  
14 you, after considering all of this particular evidence -- we got  
15 it here. Please ask for it. You got a jury charge. Please  
16 read it. And after looking at the charge that the Government --  
17 that the judge has given us and evaluating this particular  
18 evidence, the only reasonable verdict would be a not guilty.

19                   Thank you very much.

20                   THE COURT: 42 minutes have been used.

21                   MR. LEWIS: Okay.

22                   May I proceed, Judge?

23                   THE COURT: Yes.

24                   MR. LEWIS: Good afternoon. As you know, I represent  
25 Gazelle Craig who is a physician and one of the Defendants that

1 is accused in this case.

2                   Before I proceed on behalf of Dr. Gazelle Craig,  
3 I thank you for your service. It is a privilege and honor to  
4 speak to you. It's also a privilege and honor to represent  
5 Dr. Craig in this matter. One of the things that has happened  
6 in my life I'd like to share with you, and I'll be brief.

7                   One of the reasons that I stand here before you  
8 today is the result of a boyhood experience that I had where an  
9 individual who happened to be one of my best friends was  
10 represented in a case where he had been falsely accused by an  
11 attorney. It moved me. It motivated me, and I decided then I  
12 want to do that.

13                   And ironically, today, that's exactly what I'm  
14 doing because Dr. Craig has been falsely accused in this case.  
15 As part of the charge that Judge Hittner read you, he told you  
16 that one of the things that you can do, should do, and  
17 absolutely must do is use your common sense. You bring that  
18 with you when you go back to that room.

19                   There is no substitute for it. And all of you  
20 have it. And it's absolutely something that you need to use  
21 when you are evaluating the evidence and the testimony and the  
22 individuals involved in this case. You use your common sense  
23 when you start assessing individual's credibility. You use your  
24 common sense, in addition to other things, when you start  
25 assessing testimony.

1                   One of the things that you'll likely hear when  
2 you enter in that room is a recording; and we've talked about it  
3 for eight days, a recording that was produced by an informant of  
4 the Government; and it was about 20 minutes long. You have to  
5 listen to that.

6                   Now, the Government played you about 91 seconds  
7 of it where they say, well, we can figure out what was said or  
8 what was going on for 91 seconds; but there's 19 minutes where  
9 you don't know what's going on. They don't know. We don't  
10 know. This is a recorder that purportedly was working and that  
11 the individual that had it knew how to operate it, turned it on  
12 and off.

13                  Now, Mr. Helfmeyer said this individual went over  
14 there the first time he had a recorder; but it was in a pad; and  
15 they say, "Okay, you can't have that pad. So, he had to leave."  
16 Mr. Helfmeyer didn't say that he went back, he didn't have it in  
17 a pad, he put it in his pocket.

18                  Why couldn't he have had it in his pocket when he  
19 went the first time? Why didn't he have it in his pocket? Now,  
20 all of us are aware that we live in 2018. You don't need a lot  
21 of resources. You don't need a lot of technology in order to  
22 come up with an accurate recorder.

23                  You can buy one from Best Buy, Micro Center, or  
24 Amazon -- don't take much money -- and buy one that's reliable.

25                  Now, if we had an accurate device, I think you

1 would want to know as a jury what happened before that 91  
2 seconds. Davis Webster said he was at the clinic for, at least,  
3 an hour filling out paperwork, sitting there, being triaged.  
4 Did you hear any of that? I didn't. And if I did hear it, you  
5 couldn't understand it.

6                   It should give you some pause. Because it goes  
7 back to what Mr. Williams has said. The only things that were  
8 brought forward by the Government like that are things that they  
9 want you to hear, that they want you to know about. Why am I  
10 talking about Mr. Webster? Mr. Webster, he wasn't paid. I take  
11 that back. He wasn't paid, but he sure would like to be paid  
12 because he's cooperating because of his liberty.

13                   Which one of us would not do whatever we needed  
14 to do in order to regain our liberty or to -- or to not have to  
15 be deprived of it? You'll do whatever you could. I think you  
16 would do it. I think I would do it. And Davis Webster did it.

17                   One day of your liberty is priceless. There's no  
18 value you can put on that. He recognized that after committing  
19 those felonies where he has to pay for now, and he doesn't want  
20 to pay for them because he wants to convince the Government to  
21 give him leniency even though he know he was wrong. He's  
22 already said he was. And if you are wrong, shouldn't you pay  
23 for it?

24                   Now, you will be -- have a chance to read and  
25 review a document that's called an indictment. As Judge Hittner

1 said, it's not evidence and it doesn't make it true just because  
2 those words are on that page. That's going to be for you to  
3 determine, whether or not those words apply to my client,  
4 Gazelle Craig, or to Mr. Faithful.

5                   That is your roadmap. That's what you are sworn  
6 to do. You use that indictment to determine whether or not it  
7 applies. Please do not fall for these rabbit trails that we've  
8 gone through for almost eight days.

9                   What your job is is to go to that indictment to  
10 determine whether or not the facts in that -- in the indictment  
11 or that apply to that indictment are facts that can be proven  
12 beyond a reasonable doubt. Not how many pills, not how much  
13 money, not you filled out the form wrong, not you didn't do the  
14 right tests. What's got to be proven is those words that's in  
15 that indictment.

16                   And if those words are not proven beyond a  
17 reasonable doubt, then those words cannot and should not be used  
18 to reach a decision regarding the guilt of my client, Gazelle  
19 Craig. Bring your common sense when you go.

20                   We saw as part of the evidence in this case video  
21 recordings where you could see things. Specifically, there's a  
22 couple of them that I'd like to comment about. There's more  
23 than a couple as far as the evidence is concerned in this case,  
24 and you certainly have a right to see them all.

25                   The one we saw -- one of the ones, the Air Wing

1 surveillance -- we all know the term "a picture is worth a  
2 thousand words"; and you should be able to use that to  
3 determine. On that Air Wing surveillance, we heard -- well,  
4 prior to looking to that, we heard testimony that there's large  
5 groups of individuals at Gulfton clinic, that they're all  
6 outside hanging out at their cars, that they are coming and  
7 going all times of day and so on and so forth.

8                   On that Air Wing video -- bring your common sense  
9 -- do you see -- see if you see any large groups. I don't think  
10 you will. See if you see any large groups entering the clinic.  
11 I don't think you will. See if you see anyone that the  
12 Government has presented to you that was a facilitator.

13                   If you saw a figure, we don't know why they were  
14 there. They had not been identified. Supposedly, there's lots  
15 of security guards. Look at that video, see if you see any. I  
16 submit to you you will not.

17                   We also saw a video regarding a gold van  
18 purportedly being driven by an individual that's referred to as  
19 a facilitator or a runner or crew leader. We had testimony from  
20 these agents, specifically this one right here, Agent Gainer,  
21 that he followed it. It was full of people. Look at that  
22 video. When it stopped or when it -- before it started, didn't  
23 see a lot of people. When it stopped, saw three people get out.

24                   He said it was several people in there; and he  
25 wasn't far away, even though he don't remember how far he was

1 away. Bring your common sense. We heard -- and you will be  
2 able to look at evidence related to clinic visits for Davis  
3 Webster and Tonya Graham.

4 Now, Davis Webster I've commented about already.  
5 I think you understand what his role was. He was a paid  
6 facilitator -- a paid informant; and of course, he's trying to  
7 reduce his sentence by cooperating with the Government.

8 Tonya Graham, Secret Service Tonya Graham.  
9 Another story. She went to the clinic; and because of her  
10 training and skill, she know what to say, she know what to do,  
11 she know how to say things to lie to Dr. Craig about her  
12 condition in order to encourage her to get a prescription; and  
13 that's exactly what -- what she did.

14 Her actions were nothing more than entrapment.  
15 Nothing more. Dr. Craig -- and as far as Davis Webster and  
16 Tonya Graham, it's documented; and I want you to look at these  
17 documents. We've only displayed some of them as it relate to  
18 these patients. There's documentation in the file of physical  
19 examinations. There's documentation in the file regarding the  
20 patient encounter where the patient is giving information.

21 And by the way, Davis Graham (sic) had a recorder  
22 on him during the time he was being triaged. Did we hear any of  
23 that? All we heard was 91 seconds of a 20-minute tape; but  
24 supposedly, either it didn't work during the time he was being  
25 triaged or he didn't have it on; and he's admitted that he could



1 turn it on and off.

2                   Bring your common sense. There's physical  
3 examination documents. There's medical rationale documents in  
4 the charts. There's patient information regarding medication  
5 history, family history documented. There's chief complaints.  
6 There's problem-focused examinations that are all part of the  
7 records that, even from Graves Owen, as far as problem-focused  
8 examinations, it was defined.

9                   We talked about flexion test, deep tendon reflex  
10 test, straight leg raise test, cervical exams, all appropriate  
11 exams for an individual having a complaint of chronic pain.  
12 They're in the charts. You and I might not be able to read them  
13 like Dr. Craig, but they're there. Look at them. And it's  
14 documented. One of the things that Mr. Owen said -- Dr. Owen,  
15 if it's not documented, that mean it didn't happen. So, I think  
16 that means, if it is documented, that means it happened.

17                   Let's talk a little bit about this PMP report  
18 just briefly. A PMP report is a screening tool that everybody  
19 has agreed that should be used for an individual treating  
20 chronic pain. This screening tool, it doesn't -- it's not a  
21 tool that actually says that there's a diagnosis, it's just a  
22 tool that actually reports data when a prescription is sold by a  
23 pharmacy.

24                   And it's not the only thing that was utilized in  
25 this case by Dr. Craig in determining criteria related to

1 dispensing of medication. It was a tool, and it's only one of  
2 the tools that was used.

3 By the way, the term "doctor shopping," doctor  
4 shopping is not an individual getting -- going to a doctor over  
5 several months, every other month; and of course, we've heard  
6 testimony from Dr. Owen that he is -- that an individual can  
7 change doctors at their discretion. There's no law against  
8 that. Doctor shopping is that individual seeing two doctors  
9 within the same 30-day period. Look at those reports.  
10 Determine that. And I submit to you that you will not find  
11 that.

12 Since I'm talking about Dr. Owen. Now, Dr. Owen  
13 is an individual that's an expert. I know who he is. I've  
14 known him for a long time. He testifies in these matters and  
15 matters like this all over the State of Texas and all over --  
16 and beginning to be the United States.

17 From his own mouth, you have heard that he's  
18 testified for medical providers regarding pain management cases  
19 in the past; and not one single time out of hundreds of cases  
20 has he ever determined that a provider has met the standard of  
21 care. Not one time.

22 Now, also, take a look at Dr. Owen regarding  
23 himself. From his own admission, Dr. Owen sold his practice  
24 back in 2011. He doesn't have a practice today and has not had  
25 one for seven months -- I mean seven years, I'm sorry. And he

1 doesn't treat chronic pain patients today and hasn't treated  
2 them for seven years.

3                   And when he did treat chronic pain patients, he  
4 didn't treat them as patients with the same demographics of  
5 Gulfton clinic. You heard him say, "My patients received  
6 interventional measures. Some of them cost \$22,000. I don't  
7 have a single patient that pays cash, not one." Because his  
8 patients get ablations, nerve blocks, fusions. These things  
9 cost a lot of money.

10                  Some of his patients, a percentage of them, get  
11 medication management; but medication management was involved  
12 with all of the patients at Gulfton. And Dr. Owen's practice  
13 certainly doesn't mirror the practice that Dr. Craig had at  
14 Gulfton for demographics and for the scope of practice.

15                  Let's talk a little bit about Dr. Dhatt.  
16 Mr. Helfmeyer has come in here and said Dr. Dhatt -- bring him  
17 in here. He said he wouldn't have done this. Dr. Dhatt is a  
18 psychiatrist. Prescribing is not even within his professional  
19 scope of practice, not prescribing these drugs.

20                  Dr. Dhatt evaluating Dr. Craig is like a  
21 neurosurgeon evaluating a cardiologist. I don't think that  
22 neurosurgeon would be qualified even though they're both  
23 doctors. Dr. Dhatt don't write these prescriptions. He  
24 admitted to you he's never prescribed a muscle relaxant in his  
25 entire practice. So, how can he be an expert in a clinic like

1 Gulfton where individuals are prescribed muscle relaxants a lot  
2 because it's relative to their chief complaint and to their  
3 diagnosis.

4                   Let's talk a little bit about Gulfton. There's  
5 been a lot of evidence in this case from the Government that  
6 part of the problem at the Gulfton clinic was everybody got the  
7 same thing, no individualized care; and that is evidence of a  
8 problem.

9                   The nature of Gulfton Medical Clinic was -- is or  
10 was that it's a chronic pain management clinic. It's a  
11 specialty clinic; and because it's a chronic pain management  
12 clinic, there's only certain medications that's appropriate and  
13 pertinent for a pertinent diagnosis related to the persons that  
14 go there. That's not unusual.

15                  When an individual goes to a weight control  
16 clinic, what do you expect them to get? An appetite  
17 suppressant. When an individual goes to a family planning  
18 clinic, what do you expect them to get? A birth control pill.  
19 When an individual goes to a hypertension clinic, what do you  
20 expect them to get? Something to treat their blood pressure.

21                  You don't expect them to get a sedative. You  
22 don't expect them to get an antibiotic to treat an infection  
23 because that's not the nature of the clinic. You would expect  
24 them to get -- that patient to get something appropriate for the  
25 nature of that clinic. That's what happens in those specialty

1 clinics. This is what happens at Gulfton.

2                   Let's talk a little bit about these drugs that  
3 are the nature of the problem according to the Government.  
4 First one being hydrocodone. Hydrocodone is a drug that is  
5 utilized to treat chronic pain. It is indicated by the FDA, the  
6 CDC, and other manufacturers and other references as far as  
7 treatment for those conditions. That's the approved treatment.

8                   Same thing holds true for Soma as it relate to  
9 treating muscle spasms or musculoskeletal conditions. Now,  
10 since the FDA is powered to -- regarding the safety and efficacy  
11 of drugs, if the combination of hydrocodone and Soma was so  
12 toxic that every time it's used it caused patient harm, I think  
13 they would probably do something about that.

14                   They wouldn't leave it up to a CME course to tell  
15 providers that. They wouldn't leave it up to guidelines by  
16 medical boards to tell providers that. I think it would be  
17 incumbent upon them to do -- to take affirmative action and  
18 response if, in fact, that combination was a combination that  
19 can never be used safely.

20                   That combination is used safely, can be used  
21 safely as indicated by the literature, as indicated by other  
22 types of things related to prescribing. By the way, some of you  
23 might know this; but you need to take this back with you, too.  
24 The number one drug that's prescribed in the United States is  
25 hydrocodone for all medical conditions. Not just chronic pain,

1 for all medical conditions.

2                   Now, Dr. Craig has testified that she's qualified  
3 as a medical doctor, that she's been trained as a medical  
4 doctor, that what she was doing she was qualified to do. She  
5 knew how to do medical examinations regarding musculoskeletal  
6 examinations, cervical examinations, regular physical  
7 examinations. She was trained to do that, and she did.

8                   They want to send you down a rabbit trail, "Well,  
9 you can't do that in 45 seconds." Look at the -- look at the  
10 patient records. Davis Webster didn't stay at the Gulfton  
11 clinic for 45 seconds. He interacted with several levels of  
12 medical clinicians when he was there.

13                   She reviewed his information. She examined him.  
14 She went into the room. And the time that they're talking about  
15 is a follow-up examination. There was no need -- she didn't see  
16 any need to take any -- any extended time with him, and I think  
17 that that is normal. All of us have been to the doctor; and  
18 doctor -- that's what happened in the doctor's office,  
19 especially for a continuing problem.

20                   As Mr. Williams has said to you, you have to view  
21 this -- all of this evidence in the case very carefully because  
22 this entire case is built on information from individuals that  
23 are tainted, that are biased or they have -- they are a  
24 stakeholder, they have a reason not to be truthful; and because  
25 of that, you have to question as to whether or not this evidence

1 is credible.

2                   And by the way, you should know this; and it was  
3 part of your charge when you read it. You are the only one in  
4 this room that can judge the credibility of this evidence and  
5 these witnesses, the only one; not me, not the judge, not the  
6 Government, not the Defendant. You are the only one.

7                   And I submit to you that's what you should do to  
8 determine whether or not this evidence is competent, is  
9 credible, especially that coming from all of these individuals  
10 that have a reason to not present the evidence to you fairly,  
11 especially as it relate to Dr. Craig.

12                  I submit to you that, if you view this evidence  
13 fairly and you look at more than what's been presented here --  
14 because this case is thousands of pages as part of that exhibit  
15 list, and you can look at anything you want as it relate to this  
16 in addition to what you heard here in court.

17                  I submit to you that, if you do that and you do  
18 it fairly as it relate to my client, Gazelle Craig, I submit to  
19 you that you will be able and you will return a verdict of not  
20 guilty for Gazelle Craig.

21                  Thank you.

22                  THE COURT: Ladies and gentlemen, we have 23 minutes  
23 left. I'm going to give you a 30-minute stretch for all of it  
24 -- a 30-second stretch. No, no, no, no more minutes, okay.  
25 Just a 30-second stretch, and we're going to wrap it up.

1 Government, get ready to go, please.

2 All right. Let's wrap it up. You got 23  
3 minutes, counsel.

4 MR. ARMSTRONG: May I proceed, Judge?

5 THE COURT: Yes, sir.

6 MR. ARMSTRONG: Thank you.

7 And if can we, please, switch to the Government's  
8 system, Judge.

9 Ladies and gentlemen, good afternoon. Amanda  
10 Robinson. Amanda Robinson was abusing hydrocodone for over two  
11 years before she even set foot in Defendant's operation. First  
12 time she walked into the Defendant's operation, she walks out  
13 with a prescription for hydrocodone and Soma. She walks out  
14 with pills to feed her addiction.

15 Three weeks later, she checks into rehab, detox.  
16 She's in the hospital for over a month trying to get her life  
17 back on track. She feels worthless and has thoughts of suicide.  
18 About a month later when she gets out of the hospital, she's  
19 back in Defendant's operation. She walks out again, same  
20 prescription: hydrocodone and Soma. Who knows what happened  
21 next.

22 Reginald Sedberry. Mr. Sedberry has probably  
23 every problem someone could imagine, a 64 year old elderly  
24 gentleman. He's homeless, has a cocaine addiction, walks in  
25 traffic, and hallucinates. What's the one problem he doesn't



1 have? Pain. Same story, though. First time he sets foot in  
2 Defendant's operation, he walks out with a prescription for  
3 hydrocodone and Soma.

4                   Davis Webster, Tonya Jackson. Neither of them  
5 have chronic pain, but they both walk into the Defendant's  
6 operation. They both say those magic words, "I'm in pain"; and  
7 they both walk out with a fake diagnosis and the same  
8 prescription.

9                   Paul Fernandez. Mr. Fernandez --

10                  THE COURT: You want the lights out?

11                  MR. ARMSTRONG: That's fine.

12                         Mr. Fernandez goes to the Defendant's operation  
13 because some guy named Brother-in-Law hooks him up with a driver  
14 who gives him breakfast, beer, and \$60. He never goes alone.  
15 Every time he goes, he goes with a van full of people. Everyone  
16 in the van gets paid. Everyone walks in together. Everyone  
17 gets the same prescription. Everyone walks out together.

18                         It gets worse. Mr. Fernandez actually has  
19 cirrhosis of the liver. If he had taken a fraction -- just a  
20 fraction of the drugs that Defendants prescribed him, he would  
21 probably be dead.

22                         Charlotte Mason, the last person you heard about.  
23 Ms. Mason has a severe respiratory problem. She has a history  
24 of crack cocaine abuse, and she took a whole bottle of Ambien, a  
25 sleeping pill. She saw two prior doctors. Both doctors said,

1 "I'm sorry, Ms. Mason, I just can't give you hydrocodone. The  
2 risks are too high." And the first principle of medicine is do  
3 no harm. She walks into the Defendant's operation three times.  
4 Every single time she walks out, she walks out with that 120/90  
5 prescription, hydrocodone and Soma.

6 Now, ladies and gentlemen, how does -- how does  
7 this happen? How does this happen? This happens when  
8 Defendants' business partners are facilitators. It happens when  
9 they put their desire for cash above everything else. It  
10 happens when Defendant Craig throws the standard of care out the  
11 window and when she becomes a rubber stamp, just signing  
12 prescription after prescription after prescription, all for  
13 different patients, the same two drugs.

14 I want to put a few issues to bed. The first  
15 issue is, oh, there's some suggestion that, oh, Dr. Craig was  
16 tricked. There's some suggestion that, oh, the Defendants were  
17 just really good actors and, oh, gee willikers, they were just  
18 caught in this web of lies by these patients. That's just not  
19 the evidence, ladies and gentlemen.

20 You've seen a laundry list of evidence. The  
21 Defendants accepted the facilitators' money and willingly took  
22 their business. I'm not going to go through all that evidence  
23 again. You get it. Giving prescriptions to drug dealers has no  
24 legitimate medical purpose.

25 But there's something else. The recordings. 90

1 seconds with Tonya Jackson; 45 seconds with Davis Webster. You  
2 heard those recordings. Does it sound like somebody getting  
3 tricked? Really? Does it? The 90 seconds with Tonya Jackson:  
4 "Doctor, I got in a little fender bender." Did you hear any  
5 probing questions? Did you hear any questions to get to the  
6 bottom of the complex issue like chronic pain? Absolutely not.  
7 You hear none of that.

8 All you hear are those questions to elicit the  
9 magic words to cover up the crime. "Hey, are you in pain?"

10 "Yes, I am."

11 "Do you have muscle spasms?"

12 "I sure do."

13 "Does it hurt here?"

14 "Yes."

15 After those 90 seconds are up, after Defendant  
16 hears those magic words, she's out the door. Same story with  
17 Davis Webster. 45 seconds. 45 seconds. "Doctor, I think I  
18 reinjured my back."

19 Defendant's response? "That's possible."

20 Basically, saying who knows? Who cares?

21 Once Defendant Craig hears those magic words  
22 about injury, there's some chitchat about a chiropractor; and  
23 again, she's out the door. Defendant Craig didn't take the time  
24 to get tricked. She didn't put the effort in to get tricked.

25 Now, there's been a lot of talk about, oh, Davis

1 Webster is this, Tonya Jackson is this, DEA is that. The reason  
2 we brought Davis Webster to trial, the reason we brought Tonya  
3 Graham, Tonya Jackson, to trial was for those recordings. Those  
4 recordings provided snapshots -- a beautiful snapshot of  
5 Defendant Craig's unlawful and bad intent. Those recordings  
6 show you for certain that she had one objective: just to hear  
7 the magic words to cover up the crime.

8                   One last point on this, oh, the doctor was  
9 tricked, Mr. Faithful was tricked, this is all entrapment. You  
10 heard from Ericka Hayes. Ericka Hayes, 25 years old, fresh out  
11 of school. She figured out the rot behind the Defendants'  
12 disguise in a month. The Defendants were there for two and a  
13 half years, and they didn't know what was going on? No way.

14                   Defendant Craig is supposedly the smartest person  
15 in the room, the doctor, and didn't know what was going on? No  
16 way. Mr. Faithful, the man is bragging when he thinks no one is  
17 listening about running the show, about being the boss. He  
18 didn't know what was going on? No way.

19                   Now, ladies and gentlemen, a second issue that  
20 needs to be put to bed: this whole idea about patient files.  
21 Oh, look, there's paper, there's checkmarks, there's some words  
22 on a page, as if having patient files somehow excuses taking  
23 money from facilitators. It absolutely doesn't. But it bears  
24 repeating: Everything at Gulfton, every single thing was part  
25 of the disguise. It was part of the coverup. It was all to

1 pretend that drug dealing was medicine.

2 Defendant Craig, she's the doctor, a position of  
3 authority. What does she do? She takes that title and the  
4 trust that comes with it and abuses it at every single turn.

5 Defendant Faithful, he's the administrator. Sure  
6 sounds official, right? The administrator. What does he  
7 administrate? You heard on the tape he's just browbeating his  
8 employees to make sure the facilitators' money comes in, the  
9 prescriptions go out, and the piles of cash stack up. Street  
10 level drug dealers are called facilitators. Again, that sure  
11 sounds official, sounds legitimate. It's anything but. Vans  
12 full of people are called patients, and they're paid to go  
13 there.

14 Ladies and gentlemen, there is no doubt that the  
15 Defendants used these people to make money. The suggestion that  
16 patients used them is ridiculous. The patient files, again, all  
17 show -- Ericka Hayes said it best: The paper in the files was  
18 just fluff. And what happens when someone questions the show,  
19 questions the disguise?

20 You heard from Ericka Hayes. She said, "Doctor,  
21 Doctor, what's up with patients giving me blank intake forms?  
22 How does someone not know their medical condition?" Defendant  
23 Craig's response? Laughed it off. Ericka Hayes comes back,  
24 "Doctor, why are the patients putting water in the urine test?"  
25 Defendant Craig's response? Just laughed it off. Defendant

1 Craig is just laughing in Ericka Hayes' face as if she's saying,  
2 "Ericka, don't you realize this is all a show? Don't you  
3 realize it's all a disguise? This is not real medicine."

4 A few more issues I want to talk about very  
5 briefly. I got about a few minutes left. There have been a lot  
6 of attacks on Dr. Owen. Really? Did Dr. Owen appear to you to  
7 be someone who is out here just shucking his opinion for a buck?  
8 Did he really tell you anything that you didn't already know?  
9 That wasn't common sense?

10 It's a good idea to understand the patient's  
11 medical condition from actual files before prescribing dangerous  
12 addictive drugs? Is that so complicated? It's a good idea to  
13 try less dangerous treatments first before just jumping into  
14 hundreds of pills of opioids for every person? Is that so  
15 complicated? I think it's common sense.

16 Defendants also made some suggestion that there  
17 is something complicated about what is the legitimate medical  
18 purpose. It boils down to three things: Number one, don't give  
19 drugs to drug dealers. Don't give drugs to addicts. And follow  
20 the standard of care.

21 Now, ladies and gentlemen, you probably notice  
22 that I have some quirks and some idiosyncrasies. One of them is  
23 that I use these dumb files to keep track of my thoughts. I  
24 want to address some points that I heard -- I heard during  
25 defense counsels' summations.

1                   First one I want to address is that we're somehow  
2 hiding really important information on these tapes, on these  
3 tapes. Somewhere lurking on these tapes is some other  
4 mysterious, some other encounter with Dr. Craig and Tonya  
5 Jackson or Davis Webster.

6                   Well, ladies and gentlemen, we always have the  
7 burden of proof; but the tapes are in evidence; and you didn't  
8 hear it because it doesn't exist. There is no other encounter.  
9 The 90 seconds is it. The 45 seconds is it. It is complete and  
10 utter fantasy to suggest that there's something else out there.

11                  The defense has suggested that there has been  
12 some suggestion, oh, this case just rises and falls on Loren  
13 Phillips. Not the case. Every single piece of evidence in this  
14 case is corroborated by something else. Mr. Helfmeyer walked  
15 you through it for 45 minutes. I'm not going to do it again.

16                  There's been some suggestion that Loren Phillips  
17 just made up these expense reports, that she's just out there  
18 making up these expense reports after she left Gulfton to set up  
19 the Defendants. Okay. Well, was she also sneaking around Shane  
20 Faithful's house placing made-up expense reports in his house,  
21 dropping them in his safe? I don't think so.

22                  Credibility of witnesses. I think Mr. Williams  
23 called Loren Phillips the devil herself. Really? Is that how  
24 she came across to you? And he mentioned how the credibility of  
25 witnesses is assessed in part by how they answer questions. I

1 couldn't agree more.

2                   You saw Defendant Craig's performance on the  
3 stand. Not much more needs to be said about that. One thing  
4 you didn't hear a lot about is Ericka Hayes. Ericka Hayes. Why  
5 didn't we hear a lot about Ericka Hayes? Because they can't  
6 touch her. She's not paid. She doesn't have any bias or  
7 motive. She just came here and testified.

8                   If you can't beat someone on the facts, what do  
9 you do? Attack. Attack Ericka Hayes. She's insubordinate.  
10 She's a bad employee. And who do those attacks come from? The  
11 only attacks on Ms. Hayes you heard were from Defendant Craig  
12 herself. She have a motive maybe?

13                   One thing that really tickled my funny bone was  
14 Mr. Williams saying that Loren Phillips ran the show. Loren  
15 Phillips is the puppeteer -- the puppet master. She is, quote,  
16 running the show. Well, who's -- what evidence have you seen of  
17 that? Absolutely zero. But who's own words did you actually  
18 hear saying he runs the f'ing show? Not my words, not Agent  
19 Gainer's words, not Mr. Helfmeyer's words. The Defendant's own  
20 words. He runs the show. Take that to the bank and cash it.

21                   There was also some suggestion that, oh, this is  
22 like going to -- going to the Defendants' operation is like  
23 going to CVS. Now, ladies and gentlemen, there's just zero real  
24 world comparison for the total underworld you saw in this case.

25                   Ladies and gentlemen, all the evidence is in.



1 You have the facts. You have the law. The facts prove beyond a  
2 reasonable doubt that Defendants worked hand in hand with  
3 facilitators to give prescriptions of dangerous addictive drugs  
4 to anyone who would say the magic words, "I'm in pain" and  
5 anyone who would pay \$300 to line their pockets.

6 Defendants were partners in crime. They're  
7 guilty as charged.

8 Thank you very much.

9 THE COURT: Ladies and gentlemen, stop the clock.

10 In a moment, I'll hand the original of what you  
11 have to Ellen. She'll escort you into the jury room. Let me  
12 tell you about the schedule and how I work it and how I worked  
13 it since day one on State Court, okay? Every day you can  
14 deliberate until 6:00 p.m. But no one will be available to take  
15 the verdict after 5:00. I've done that all the way through.

16 So, in other words, if -- well, we're going to  
17 adjourn for the night, of course; but tomorrow, let's say as an  
18 example, we'll -- you know, if you're still working at 5:00  
19 o'clock, that's fine. If you reach a verdict, seal it up; and  
20 the next business day when we get back, we'll come back and  
21 unseal it.

22 So, also, you may now -- you may begin  
23 deliberations tomorrow morning as early at 9:00 -- that's up to  
24 you -- but not later than 10:00. So, you can go 10:00 to 6:00  
25 but knowing you need to get underway, at least, by 10:00; and no

1 verdict between 5:00 and 6:00; but you're welcome to work until  
2 6:00 each evening. I know you won't rush it. It's an important  
3 case to everybody.

4 I guess the next thing is saying, well, who is  
5 the alternate, okay? Now, when the name -- whoever is picked,  
6 you don't have to get up and crawl over everybody else to get  
7 the you-know-what out of here. I had that happen. Boy, that  
8 name was called; and they're scrambling over fellow jurors.

9 Now, if you would, once you go back in there,  
10 certainly, visit with your colleagues, exchange your phone  
11 number or whatever; and you can discuss it completely and fully  
12 once it's done.

13 So, let's see, let me have that sheet. All  
14 right. Just to do the drawing, we usually go to the first --  
15 well, all right. [REDACTED], at the end of the first row,  
16 you're up. But sit down. You're going to reach over the top  
17 and pull one of the squares out, please.

18 If you would, once I call your name, please raise  
19 your hand; and we'll discuss it.

20 [REDACTED], all right. You couldn't have  
21 been -- this thing couldn't have been possible without you,  
22 okay? So, we certainly thank you; and visit with each other.  
23 Again, you're not to discuss this case with anyone, including  
24 with each other, unless the remaining 12 of you are in there by  
25 yourself.

1                   When you come -- you can stay here until 6:00  
2 o'clock if you want to, at least, get a little bit underway, a  
3 little bit of organization; but do let us know before you leave  
4 whether you elect to be back at 9:00 or 10:00.

5                   I got one hearing tomorrow morning; but even if  
6 you have a question, we can take that; or if there's a verdict,  
7 we'll wait just a few minutes until I get through with it. It's  
8 a pretrial conference for another something like two- to  
9 three-week trial beginning next Monday.

10                  So, if you want in on that, you know, if we need  
11 extra jurors, we know where to look. But in any event, thank  
12 you-all so much, the attorneys do; and since it's the late hour,  
13 we're going to have all -- get all the exhibits done; and  
14 they'll be into you the first thing in the morning.

15                  So, ladies and gentlemen, you heard this before;  
16 but now, it's for real. Please stand and commence your  
17 deliberations.

18                  THE COURT SECURITY OFFICER: All rise for the jury.

19                  (The jury was excused to commence deliberations at 5:45  
20 p.m.)

21                  THE COURT: All right. Be seated for just a moment.

22                  We need both sides to get together and decide  
23 what's in evidence and what's not in evidence. If there's any  
24 concern, some of the Court staff needs to catch a bus; and the  
25 last one I think is about 6:15 or 6:20. So, if you could get

1 together and get all of the exhibits that go back in and just  
2 place them on Ellen's desk. If there's a concern -- if there's  
3 a concern, then, tomorrow when I get in for that -- that early  
4 hearing, I'll consider any objections that there are as to what  
5 goes in and what's not.

6                   So, everything that's agreed to on top of Ellen's  
7 desk. I'm going to be here for a little while longer. I'm not  
8 going to require the court reporter, the court staff, or the  
9 marshals; but if there's one bit of contention that you want me  
10 to rule on, I'll be in here for awhile, I guess, until, at  
11 least, until 6:30; but there shouldn't be a problem; but if  
12 there is, I'll be around but no record. The only thing for a  
13 record will be tomorrow morning sometime to get on.

14                   Let's say I'll look at it and I'll say it's in or  
15 it's out. As soon as I get in in the morning, we'll put it on  
16 the record in this case. But I'm going to let the staff go  
17 after the last few -- last long nights.

18                   Any other questions of housekeeping or whatever?

19                   (No response.)

20                   THE COURT: Okay. I need you, again, on ten-minute  
21 call starting, let's say, at 9:00 o'clock in the morning. All  
22 right. Ten-minute call meaning that you got -- well, let's make  
23 it 10:00 o'clock. If they come in at 9:00 o'clock, that's their  
24 own business.

25                   All right. Starting at 10:00 o'clock, you'll be

1 on ten-minute call where if the jury -- a verdict or if a  
2 question comes out, we'll wait ten minutes after we give you a  
3 call; and then, I'll take it, okay? So, if you would, make sure  
4 Ellen has your cell phone number if you're in the area.

5 I want to thank you for moving it along. I have  
6 -- believe it or not, I would have had those yellow sheets for  
7 you. It's the first time the defense used more time than the  
8 Government, but I'll have them for you tomorrow. Believe it or  
9 not, the main copier with all these copies ran out of black ink;  
10 and there's not a black cartridge in this building. So, they're  
11 delivering it. So, that's why. But you'll have those sheets  
12 tomorrow.

13 All right. Anything further from the Government?

14 MR. ARMSTRONG: Nothing further, your Honor.

15 THE COURT: Anything further from the defense?

16 MR. WILLIAMS: Nothing.

17 MR. LEWIS: Nothing further.

18 THE COURT: All right. Not hearing anything, again,  
19 I'll be in there for about a half hour; otherwise, I'll see you  
20 tomorrow.

21 (Court recessed for the day at 5:48 p.m.)

22 C E R T I F I C A T E

23 I certify that the foregoing is a correct transcript  
24 from the record of proceedings in the above-entitled matter, to  
the best of my ability.

25 By: /s/Gayle L. Dye  
Gayle L. Dye, CSR, RDR, CRR

05-12-2018  
Date